

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_ MAY 30 1995

RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF EMERYVILLE RECOMMENDING TO THE CITY COUNCIL  
CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT  
FOR THE KAISER PERMANENTE MEDICAL CENTER

WHEREAS, the Emeryville Planning Commission received a request for approval of a concept plan in April 1993 to allow the development of an approximately 1,563,000 square foot medical office complex and approximately 3,600 parking spaces on the approximately 30 acre site generally bounded by San Pablo Avenue, Park Avenue, Hollis Street, 45th Street, 53rd Street, and Doyle Street; and


WHEREAS, the Planning Commission considered the preliminary concept plan on April 29, 1993 at which time the concept plan was generally well received; and

WHEREAS, in July 1993, the City of Emeryville Planning Department prepared an Initial Study for the proposed Kaiser Permanente Medical Center, to assess the probable environmental impacts of the project; and

WHEREAS, the Initial Study and a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was published and distributed to the public on July 13, 1993, informing the public that a public scoping session would be held at the City Council chambers on July 21, 1993, and that public comments would be received for a 30-day period following the release of the document; and

WHEREAS, responsible agencies received copies of the Initial Study/NOP via certified mail, a copy was provided to the Clerk of the County of Alameda for public posting, and in advance of the public scoping session, and notice was sent to a citywide mailing list and published in the Public Notice section of the Oakland Tribune newspaper; and

WHEREAS, one of the responsible agencies did not receive a copy of the Initial Study/NOP and the Initial Study/NOP was reissued to the State



Digitized by the Internet Archive  
in 2025 with funding from  
State of California and California State Library

<https://archive.org/details/C124914397>



Clearinghouse for redistribution to state agencies and to ensure that all interested parties and responsible agencies had sufficient time to respond to the Initial Study/NOP, the comment period was extended to September 16, 1993, resulting in a 66-day comment period; and

WHEREAS, the scoping meeting was held before the Planning Commission on July 21, 1993 and following the close of the Initial Study/NOP comment period, the City's EIR consultant began preparation of the DEIR pursuant to the requirements of the California Environmental Quality Act (CEQA), and focused on issues raised in the written comments on the Initial Study/NOP and at the public scoping session; and

WHEREAS, beginning in June 1993, Kaiser Foundation Hospitals sponsored a series of monthly design workshops with members of the community to obtain input from and provide updates to the residents and businesses in the area with respect to urban design characteristics of the project; and

WHEREAS, at the July 22, 1993 Planning Commission meeting, Kaiser presented its current design plans for the proposed medical center and the Planning Commission was presented with the preliminary urban design guidelines for the project site prepared by the City's urban design consultant; and

WHEREAS, at its August 26, 1993 meeting, the Planning Commission approved the Urban Design Guidelines for the Kaiser Permanente Medical Center; and

WHEREAS, on May 6, 1994, the Draft EIR for the Kaiser project was completed and circulated for public review and comment, was distributed to public agencies and persons requesting copies, and was made available for public review at the Golden Gate Public Library and the Emeryville Fire Station and additional copies were made available through Rapid Repro Copy Center and Access Print in the City of Emeryville; and

WHEREAS, a notice of the availability of the Draft EIR indicating that comments on the DEIR were due to the City of Emeryville by June 20, 1994, and that a public hearing would be held on June 2, 1994, on the DEIR, was published in the

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...

...the ... of the ...  
...the ... of the ...  
...the ... of the ...



May 7, 1994, edition of the Oakland Tribune, was sent to individuals requesting such notice, and was provided to the Alameda County Clerk for posting; and

WHEREAS, the Planning Commission held a public hearing on June 2, 1994, on the Draft EIR , at which opportunity was given for and public comment received on the DEIR; and

WHEREAS, by the end of the public review period, the City of Emeryville received several requests to extend the public review period to allow the public additional time to review and comment on the DEIR and the City decided to extend the public review and comment period to August 4, 1994, resulting in a total comment period of 91 days; and

WHEREAS, written comments were received from approximately one hundred (100) agencies, private and public associations and citizens during the public review period; and

WHEREAS, after the close of the comment period, the Planning Department prepared the Response to Comments and Text Revisions document which contain all written and verbal comments received on the DEIR, responses to those comments and related text and figure changes to the EIR, which combined with the DEIR and the Mitigation Monitoring and Reporting Program, constitutes the Final Environmental Impact Report; and

WHEREAS, the Response to Comments and Text Revisions document was released for agency and public review on October 21, 1994, was made available at the City of Emeryville Planning Department, Rapid Repro Copy Center and Access Print in the City of Emeryville to all persons requesting copies, and was made available for public review at the Golden Gate Public Library, the Emeryville Police Department, and the City of Emeryville Planning Department; and

WHEREAS, on October 21, 1994, the Response to Comments and Text Revision document and Notice of Public Hearing before the Emeryville Planning Commission on November 3, 1994, to consider the Response to Comments and Text Revisions document, the Mitigation Monitoring and Reporting Program, the proposed General Plan amendments, the Rezoning to Planned Unit Development/

The first of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The second of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The third of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The fourth of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The fifth of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The sixth of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The seventh of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.

The eighth of these is the fact that the system is not a simple one, and that the results are not always as expected. This is due to the fact that the system is not a simple one, and that the results are not always as expected.



Commercial, the Preliminary Development Plan for the Phase I Site and Future Expansion Site, the Final Development Plan for the hospital building on the Phase I Site, and the Development Agreement was delivered certified mail to all commenting agencies; and

WHEREAS, between October 21, 1994 and October 24, 1994, a Notice of Availability of the Response to Comments and Text Revisions document and Notice of the Public Hearing before the Emeryville Planning Commission on November 3, 1994, was delivered certified mail to agencies, individuals and organizations commenting on the DEIR; and

WHEREAS, between October 21, 1994 and October 24, 1994, a Notice of Availability of the Response to Comments and Text Revisions document and Notice of the Public Hearing before the Emeryville Planning Commission on November 3, 1994, was delivered regular mail to agencies, individuals and organizations commenting on the DEIR, persons who have requested notices of public hearings in general or in particular to the proposed Kaiser Permanente Medical Center Project, to all property owners within the City of Emeryville, posted in the required posting places within the City of Emeryville, and provided to the Alameda County Clerk for posting; and

WHEREAS, the Notice of Public Hearing before the Emeryville Planning Commission on November 3, 1994, was **published** in the October 24, 1994 edition of the Oakland Tribune; and

WHEREAS, a Final Environmental Impact Report has been prepared by the City consisting of the Draft Environmental Impact Report, Responses to Comments and Text Revisions document containing all written and verbal comments received on the DEIR and responses thereto, and Mitigation Monitoring and Reporting Program; and

WHEREAS, the Planning Commission held a public hearing on November 3, 1994, to consider the project and a recommendation to the City Council on the request for certification of the EIR, the request for approval of amendments to the General Plan, and request for approval of a rezone to Planned Unit Development/Commercial for the Phase I Site and Future Expansion Site, a

Enclosed, the Secretary General has for the first time and since  
submitted the first report on the situation in the field  
of the United Nations. The report is of great interest and  
importance.

The report is of great interest and importance. It  
contains a detailed account of the situation in the field  
and is of great value to the Secretary General and  
the Council of the United Nations.

The report is of great interest and importance. It  
contains a detailed account of the situation in the field  
and is of great value to the Secretary General and  
the Council of the United Nations. The report is of  
great interest and importance. It contains a detailed  
account of the situation in the field and is of great  
value to the Secretary General and the Council of the  
United Nations.

The report is of great interest and importance. It  
contains a detailed account of the situation in the field  
and is of great value to the Secretary General and  
the Council of the United Nations.

The report is of great interest and importance. It  
contains a detailed account of the situation in the field  
and is of great value to the Secretary General and  
the Council of the United Nations.

The report is of great interest and importance. It  
contains a detailed account of the situation in the field  
and is of great value to the Secretary General and  
the Council of the United Nations.



Preliminary Development Plan for the Phase I Site and Future Expansion Site and a Final Development Plan for the hospital building of the Phase I Site; and request for the City to enter into a Development Agreement with the project applicant to allow the development of the Kaiser Permanente Medical Center Project; approval of mitigation measures; and (approval of the Mitigation Monitoring and Reporting Program) and (adoption of a statement of overriding considerations); and

WHEREAS, during this hearing public testimony was taken from the project applicants, project consultants, City staff members and City consultants, as well as members of the general public; and

WHEREAS, the Commission has reviewed and considered the information provided to the Planning Commission by those testifying, as well as the information provided to the Commission in the Environmental Impact Report, staff reports and supporting documentation; and

WHEREAS, the Planning Commission has reviewed and considered the project applications and all related materials including the Environmental Impact Report and the Mitigation Monitoring and Reporting Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. That the Final Environmental Impact Report prepared for the proposed Kaiser Permanente Medical Center has been prepared, publicized, circulated and reviewed in accordance with the California Environmental Quality Act (Cal. Pub.Res. Code sections 21000 et seq., "CEQA") and the State CEQA guidelines (Cal.Code Regs, Title 17, sections 15000 et seq., "CEQA Guidelines"), and the CEQA guidelines of the City of Emeryville.
2. That the FEIR constitutes an adequate, accurate, objective and complete Environmental Impact Report in compliance with all applicable legal standards.
3. That the FEIR contains a reasonable range of alternatives and that inclusion of the Fox Theater site in Oakland is not legally required as an alternative project site. Moreover, evaluation of the Fox Theater site indicates that it is not a

The first of these is the fact that the data is not always consistent with the theory. This is because the data is often noisy and the theory is often too simple to capture the complexity of the data. This is why it is important to have a good understanding of the data and the theory before trying to fit them together.

The second of these is the fact that the data is often too small to be representative of the whole population. This is why it is important to have a large enough sample size to be able to make reliable conclusions about the population.

The third of these is the fact that the data is often too noisy to be useful. This is why it is important to have a good way of dealing with noise in the data, such as by using a smoothing technique.

The fourth of these is the fact that the data is often too expensive to collect. This is why it is important to have a good way of reducing the cost of collecting data, such as by using a more efficient sampling method.

The fifth of these is the fact that the data is often too difficult to interpret. This is why it is important to have a good way of interpreting the data, such as by using a statistical model.

The sixth of these is the fact that the data is often too complex to be understood. This is why it is important to have a good way of simplifying the data, such as by using a dimensionality reduction technique.

The seventh of these is the fact that the data is often too slow to be processed. This is why it is important to have a good way of speeding up the processing of the data, such as by using a parallel processing technique.

The eighth of these is the fact that the data is often too hard to store. This is why it is important to have a good way of compressing the data, such as by using a lossy compression technique.

The ninth of these is the fact that the data is often too hard to share. This is why it is important to have a good way of sharing the data, such as by using a distributed storage system.



feasible alternative because it does not meet some of the basic objectives of the project.

3. That recirculation of the FEIR is not required because the responses to comments provide clarification to the information contained in the DEIR and do not describe (1) a new substantial environmental impact resulting from the project or from a new mitigation measure; (2) a substantial increase in an environmental impact, or (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project that has not been adopted.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Emeryville does hereby recommend to the City Council that it certify the FEIR as complete, adequate and in compliance with CEQA and state and local guidelines.

Adopted by the City of Emeryville Planning Commission at a special meeting held Thursday, November 3, 1994, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_ EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Secretary

*Michael G. Biddle*  
\_\_\_\_\_  
City Attorney





PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT, APPROVAL OF A REZONING TO PLANNED UNIT DEVELOPMENT/COMMERCIAL, ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN FOR THE KAISER PERMANENTE MEDICAL CENTER, APPROVAL OF A FINAL DEVELOPMENT PLAN FOR THE HOSPITAL BUILDING, APPROVAL OF AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH KAISER FOUNDATION HOSPITALS FOR PHASE I; RECOMMENDING MITIGATION MEASURES, A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS.

WHEREAS, the Planning Commission has adopted Planning Commission Resolution No. \_\_\_\_\_ finding that the Final Environmental Impact Report for the Kaiser Permanente Medical Center was prepared, publicized, circulated and reviewed in accordance with applicable law and constitutes an adequate, accurate, objective and complete Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"), the State CEQA guidelines (California Code of Regulations, Title 17, Section 15000 et seq.) and the City of Emeryville environmental guidelines; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the EIR and considered the information contained therein prior to making the findings attached hereto as Exhibit A, issuing the Statement of Overriding Considerations attached hereto as Exhibit B, adopting the Mitigation Monitoring Plan attached as Attachment 13 to the November 3, 1994 staff report to the Planning Commission and acting on the proposed project; and

WHEREAS, based on the information contained in the EIR, the testimony presented at public hearings and meetings on the project, and substantial evidence in the record, revisions to the project have been required and mitigating conditions have been attached to the project approval which will avoid, eliminate or substantially lessen many of the significant effects of the project; and





WHEREAS, the Mitigation Monitoring Plan will assure implementation of all feasible mitigation measures identified in the EIR; and

WHEREAS, the Planning Commission has made the findings set forth in Exhibit C with respect to adoption of general plan amendments, approval of a rezoning and development plans, and authorizing a development agreement;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Planning Commission recommends that the City Council adopt the Findings of Fact, the Statement of Overriding Considerations and the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

2. The Planning Commission recommends that the City Council determine that the unavoidable adverse environmental effects of the project are acceptable due to specific economic, social or other overriding considerations, as identified in Exhibit B, the Statement of Overriding Considerations.

3. The Planning Commission recommends approval of the Kaiser Permanente Medical Center project, as described in Exhibit A, as follows:

- A. General Plan Amendments. Adoption of amendments to the General Plan amendment as proposed by the applicant with the exception that the language change to Policy 5 of the Community Development Element, Community Design Chapter shall be revised as presented in the November 3, 1994, staff report.
- B. Approval of a Rezoning to Planned Unit Development/ Commercial by approving a Preliminary Development Plan ("PDP") which establishes the type and intensity of uses on the site.
- C. Conditional approval of the Preliminary Development Plan dated October, 1994, on file with the City of





Emeryville Planning Department for both Phase I and the Future Phases of the Kaiser Permanente Medical Center Project with the exceptions to the height limitations and the building intensity diagram as requested.

- D. Conditional approval of the Final Development Plan dated October, 1994, on file with the City of Emeryville Planning Department for Phase IA (the hospital building, surrounding landscaping and unenclosed parking lot) subject to the conditions of approval set forth in Attachment 12 to the November 3, 1994, staff report to the Planning Commission.
- E. Adoption of an ordinance authorizing the City Manager to enter into a Development Agreement on behalf of the City of Emeryville with Kaiser Foundation Hospitals.

Adopted by the City of Emeryville Planning Commission at a special meeting held Thursday, November 3, 1994, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_ EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Secretary

Michael G. Brady  
City Attorney



## EXHIBIT A

### FINDINGS OF FACT FOR THE KAISER PERMANENTE MEDICAL CENTER PROJECT

**I. PROJECT DESCRIPTION:** The "Project" selected is the proposed project as defined in the Draft EIR prepared for the Kaiser Permanente Medical Center Project. The project involves the development of a new Kaiser Permanente Medical Center on an approximately 30-acre site located in the City of Emeryville. The project site is generally bounded by 53rd Street on the north, Park Avenue on the south, San Pablo Avenue on the east, and Hollis Street on the west. The proposed medical center would include a hospital and medical office buildings, as well as a central utility plan, structured parking, open space areas, and general retail and office uses. The proposed project is expected to be constructed in phases over a three to thirty year time frame. Phase I of the medical center would be constructed on the portion of the site bound by San Pablo Avenue, Park Avenue, Hollis Street and 45th Street on the north and is expected to be completed by 1999. The Phase I site contains the old Del Monte cannery buildings, as well as other residential and commercial uses. Development planned for Phase I would involve approximately 1.94 million square feet of development including a hospital building, four medical office buildings, parking structures, and office and retail uses around the perimeter of the site (along San Pablo Avenue, Park Avenue and Hollis Street). Buildout of the project would include an additional 0.77 million square feet of development (for a total of 2.71 million square feet). Under buildout, additional development would occur on the Phase I site, as well as, on the "Future Expansion site" which is bounded by 45th Street on the south, Hollis Street on the west, 53rd Street on the north and the AC Transit maintenance yard and Emery Bay Village on the east. The Future Expansion site currently includes the Emeryville Business Center as well as other commercial and industrial uses. Development under buildout would include expansion of the hospital building (Phase I site) and construction of additional medical office buildings, general office and retail uses and a parking structure.

**II. THE FINAL EIR:** The Final EIR consists of the Draft EIR, Responses to Comments and Text Revisions document, and the Mitigation Monitoring and Reporting Program.

**III. THE RECORD:** The following information is incorporated by reference and made part of the record supporting these findings"

- a. The Draft EIR, Final EIR, and all documents relied upon or incorporated by reference.





- b. The Mitigation Monitoring and Reporting Program dated October, 1994.
- c. All testimony, documentary evidence and all correspondence submitted to or delivered to the City of Emeryville or the Emeryville Redevelopment Agency in connection with the Planning Commission public hearing of June 2, 1994, on the Draft EIR.
- d. Testimony, documentary evidence and all correspondence submitted to the City of Emeryville or the Emeryville Redevelopment Agency in connection with the Planning Commission meeting of November 3, 1994.
- e. Testimony, documentary evidence and all correspondence submitted or delivered to the City of Emeryville in connection with the City Council of the City of Emeryville's meetings on this project and associated EIR or otherwise relating to this project or the EIR.
- f. All staff reports, memoranda, maps, slides, letters, minutes or meetings and other documents relied upon or prepared by City staff or consultants relating to the project
- g. These Findings and the Statement of Overriding Considerations adopted in connection with the project.

#### **IV. FINDINGS AND STATEMENT OF FACTS SUPPORTING THE FINDINGS:**

The Environmental Impact Report for the Kaiser Permanente Medical Center Project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts which could result from adoption of the project. Because the EIR indicates the implementation of the project would result in certain unavoidable adverse impacts, the City is required to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the project. Each of the remaining potentially significant and significant impacts is considered acceptable by the City based on a determination that the benefits of the project (listed in this document and in the Statement of Overriding Considerations, Exhibit B) outweigh the risks of the potentially significant environmental effects of the project.





**A. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED AND MITIGATED TO A LESS THAN SIGNIFICANT LEVEL:**

**Finding** - As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below. Each significant impact which can be reduced to a less-than-significant level is discussed below, and the appropriate mitigation measure stated, and adopted for implementation by approval of these Findings of Fact.

**Impact LU-3**

a. **Significant Impact:** The EIR found that development of Phase I of the medical center would result in a change in land use which would be generally compatible with the surrounding land uses in the immediate vicinity of the project. While the Phase I site is surrounded by a variety of land uses that do not from a planning perspective, reflect an established community, the residents in this area may perceive the proposed project as resulting in an adverse change to the land use character of the area. These residents may perceive that the project would physically disrupt or divide an established community. Therefore, Phase I of the proposed medical center would result in a potentially significant land use compatibility impact. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation LU-3.1:** Kaiser shall implement the Kaiser Permanente Medical Center Urban Design Guidelines as adopted by the Emeryville Planning Commission on August 26, 1993. The requirements of the Urban Design guidelines have been incorporated into the project design.

**Mitigation LU-3.2:** Kaiser shall implement the traffic, noise, and visual mitigation measures as described in Section II, C (pages 114-183), E (pages 211-214), and L (pages 287-291) which include additional mitigation measures not currently included in the project.



c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impacts described above.

#### **Impact LU-4**

a. **Significant Impact:** The EIR found that future expansion of the medical center would result in a change in land use on the Future Expansion site which would be generally compatible with the surrounding land uses in the immediate vicinity of the project. While the Phase I and Future Expansion sites are surrounded by land uses that are not part of an established community from a planning perspective, the surrounding residents may perceive the proposed project as resulting in an adverse change to the land use character of the area. These residents may perceive that the project would physically disrupt or divide an established community. Therefore, Future Expansion of the project would result in a potentially significant land use impact. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation LU-4.1:** Kaiser shall implement the Kaiser Permanente Medical Center Urban Design Guidelines as adopted by the Emeryville Planning Commission on August 26, 1993. The requirements of the Urban Design Guidelines have been incorporated into the project design.

**Mitigation LU-4.2:** Kaiser shall implement the traffic, noise, and visual mitigation measures as described in Section II, C (pages 114-183), E (pages 211-214) , and L (pages 287-291) which include additional mitigation measures not currently included in the project.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as a condition of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact LU-5**

a. **Significant Impact:** The EIR found that the proposed amendment to General Plan Land Use Element Policy #5 would result in a potentially





significant impact to brick buildings on the north side of Park Avenue outside the project site. Land Use Element Policy #5 pertains to the preservation of brick buildings along Park Avenue. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation LU-5.1:** The City of Emeryville shall limit the application of the text change to Land Use Element Policy #5 to the Del Monte site.

**Mitigation LU-5.2:** Kaiser shall use authentic brick building materials in the proposed "liner" building design compatible with the scale and character of the area, where feasible.

**c. Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact EH-1**

**a. Significant Impact:** The EIR found that Phase I of the project would involve the acquisition of commercial properties, displacement of viable businesses and the Pepsico operations, and demolition of 10 structures which would be considered a significant impact. The displacement of the five businesses and Pepsico operations would result in a loss of 175 jobs on the Phase I site (including the Pepsico facility). This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation EH-1.1:** Phase I would be required to conform to the Relocation Assistance Act and State Relocation Guidelines Requirements, as described on pages 63 through 67 of the Draft EIR.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.





### **Impact EH-3**

a. **Significant Impact:** The EIR found that future expansion of the medical center would involve acquisition of four additional properties, displacement of 22 businesses, and demolition of six existing structures which would be considered a significant impact. The displacement of the 22 businesses would result in a corresponding loss of 120 manufacturing jobs on the Future Expansion site. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation EH-3.1:** Future Expansion of the medical center would be required to conform to the Relocation Assistance Act and State Relocation Guidelines Requirements, as described on pages 63 through 67 of the Draft EIR.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact EH-5**

a. **Significant Impact:** The EIR found that Phase I of the project would involve the acquisition of residential properties, displacement of 21 households and 37 residents, and demolition of 21 existing housing units on the Phase I site which would be considered a significant impact. Most of the housing units would be relocated to other locations within the City of Emeryville. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation EH-5.1:** As with the business displacement impacts, Kaiser and the Emeryville Redevelopment Agency will be required by law to conform to the requirements of the Relocation Assistance Act and State Relocation Guidelines, for Phase I.



**Mitigation EH-5.2:** The Agency shall implement its replacement housing obligations under Redevelopment Law. Funding shall be provided by the project applicant as set forth in the Participation Agreement.

**Mitigation EH-5.3:** The Agency and Kaiser shall implement Kaiser's Housing Program. This program will be included as a mitigation measure in the Development Agreement, as described on pages 74 and 75 of the Draft EIR.

### **Impact EH-7**

a. **Significant Impact:** The EIR found that Future Expansion of the project would involve the acquisition of residential properties, displacement of 12 households and 22 residents, and demolition of 12 existing live/work units on the Future Expansion site which would be considered a significant impact. The live/work units would be relocated to other locations within the City of Emeryville. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation EH-7.1:** As with the business displacement impacts, Kaiser and the Agency shall be required by law to conform to the requirements of the Relocation Assistance Act and State Relocation Guidelines, for Future Expansion.

**Mitigation EH-7.2:** The Emeryville Redevelopment Agency shall implement its replacement housing obligations under Redevelopment Law. Funding would be provided by the project applicant.

**Mitigation EH-7.3:** The Emeryville Redevelopment Agency and Kaiser shall implement Kaiser's Housing Program. This program will be included as a mitigation measure in the Development Agreement.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.





## **Impact EH-6**

a. **Significant Impact:** The EIR found that the loss of 80 moderate income units would result in a significant impact because the retention of affordable housing is encouraged by Emeryville General Plan Housing Opportunities, Policy #7. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

### **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation EH-6.1:** The Redevelopment Agency and Kaiser shall implement the Kaiser Housing Program. This program is included as part of the proposed project.

**Mitigation EH-6.2:** The Redevelopment Agency and Kaiser shall pursue the development of housing at other locations in Emeryville.

**Mitigation EH-6.3:** The Kaiser Housing Program shall fund the construction of affordable housing units.

**Mitigation EH-6.4:** Funding from the Kaiser Housing Program shall be applied to the development of housing on the 25 sites identified as potential housing construction.

**Mitigation EH-6.5:** The City of Emeryville Redevelopment Agency will be responsible for continuing to encourage developers to develop affordable housing on the 25 parcels identified as potential housing sites.

**Mitigation EH-6.6:** The City of Emeryville will continue to encourage residential development in mixed-use areas, and infill housing at appropriate locations.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

## **Impact Cir-1**

a. **Significant Impact:** The EIR found that the intersection of San Pablo Avenue/45th Street would operate at an unacceptable Level of Service "F" in the p.m. peak period which would be a significant impact. This impact can be



mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-1.1:** Kaiser shall add a third through lane in the northbound and southbound directions on San Pablo Avenue and an exclusive eastbound left turn lane on 45th Street.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-2**

**a. Significant Impact:** The EIR found that the San Pablo Avenue/Park Avenue intersection would operate at an unacceptable Level of Service "F" in the p.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-2.1:** Kaiser shall add a third through lane in the northbound and southbound directions on San Pablo Avenue.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-3**

**a. Significant Impact:** The EIR found that the intersection of San Pablo Avenue/Adeline Street/W. MacArthur Boulevard would operate at an unacceptable Level of Service "F" in the p.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.





**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-3.1:** Kaiser shall add a third through lane in the northbound and southbound directions, prohibit left turns in the northbound and southbound directions on San Pablo Avenue, and add an exclusive left turn lane in the westbound direction on Adeline Street.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-4**

**a. Significant Impact:** The EIR found that the intersection of Hollis Street/45th Street would operate at an unacceptable Level of Service "F" in the a.m. and p.m. peak periods which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-4.1:** Kaiser shall restripe 45th Street to provide an exclusive left turn lane in the westbound direction at Hollis Street, as well as the installation of a no parking zone on one side of 45th Street. Kaiser shall restripe Hollis to provide two through lanes on both approaches. Installation of a traffic signal will also be required at Hollis and 45th Streets.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-5**

**a. Significant Impact:** The EIR found that the intersection of San Pablo Avenue/40th Street would operate at an unacceptable Level of Service "F" in the p.m. peak period which would be a significant impact. This impact can be



mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-5.1:** Kaiser shall add a third through lane in the northbound and southbound directions on San Pablo Avenue, as well as an eastbound shared through/right turn lane on 40th Street.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-6**

**a. Significant Impact:** The EIR found that the intersection of Powell Street/Doyle Street would operate at an unacceptable Level of Service in the p.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-6.1:** Kaiser shall install a traffic signal at the intersection of Powell Street/Doyle Street. Kaiser shall restripe Powell Street approaches to provide an exclusive left turn pocket in both directions at Doyle Street.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-7**

**a. Significant Impact:** The EIR found that the project traffic volumes would result in significant impacts to Hollis and Powell Streets. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.





**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-7.1:** Kaiser shall construct a two lane Horton-Landregan Connection, with turn lanes into the Chiron project, and a two lane Stanford Avenue Extension between Horton-Landregan and Hollis Street, with left and right turn lanes at the Hollis Street intersection.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-11**

**a. Significant Impact:** The EIR found that cumulative traffic would result in an unacceptable Level of Service in the a.m. peak period at the Adeline Street/36th Street intersection which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-11.1:** The City shall install a traffic signal at this intersection.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-12**

**a. Significant Impact:** The EIR found that cumulative traffic would result in an unacceptable Level of Service in the p.m. peak period at the Shellmound Street/Christie Avenue North intersection which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.



**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-12.1:** The City shall restripe Christie Avenue to provide a shared through/right lane and a shared left/through lane in the southbound direction.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-13**

**a. Significant Impact:** The EIR found that Cumulative traffic would result in an unacceptable Level of Service in the p.m. peak period at the Peralta Street/36th Street intersection which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-13.1:** Kaiser shall install a traffic signal at this intersection.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-14**

**a. Significant Impact:** The EIR found that cumulative traffic would result in a significant impact at the Hollis Street/Yerba Buena Avenue/Mandela Parkway intersection in the p.m. peak period. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure





identified in the EIR and incorporated into the Project:

**Mitigation Cir-14.1:** Kaiser shall install a traffic signal at this intersection.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-15**

a. **Significant Impact:** The EIR found that the intersection of San Pablo Avenue/36th Street would operate at an unacceptable Level of Service in the a.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-15.1:** Kaiser shall restripe San Pablo Avenue to provide a third through lane in the northbound and southbound directions. This mitigation will require a mandatory peak period parking restriction on San Pablo Avenue between 35th Street and 37th Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-18**

a. **Significant Impact:** The EIR found that the intersection of Hollis Street/Park Avenue would operate at an unacceptable Level of Service in the p.m. peak period, which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:



**Mitigation Cir-18.1:** Kaiser shall add an exclusive left turn lane in the eastbound and westbound directions on Park Avenue and a second through lane in the northbound and southbound directions on Hollis Street.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-19**

- a. **Significant Impact:** The EIR found that the intersection of Bay-Shellmound Street/Christie Avenue South would operate at an unacceptable Level of Service in the p.m. peak period, which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-19.1:** The City shall add a second exclusive left turn lane in the northbound direction on Bay Street-Shellmound at Christie Avenue South.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-21**

- a. **Significant Impact:** The EIR found that the intersection of Adeline Street/40th Street would operate at an unacceptable Level of Service in the p.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:





**Mitigation Cir-21.1:** Kaiser shall add an exclusive left turn lane in the northbound and southbound directions on Adeline Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-22**

a. **Significant Impact:** The EIR found that the intersection of Powell Street/I-80 Eastbound Ramp would operate at an unacceptable Level of Service in the p.m. peak period, which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-22.1:** Kaiser shall add a second exclusive left turn lane in the northbound direction on the off-ramp at Powell Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-23**

a. **Significant Impact:** The EIR found that the intersection of Bay Street/65th Street would operate at an unacceptable Level of Service in the p.m. peak period, which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-23.1:** The City shall add an exclusive left turn lane in the eastbound and westbound directions on 65th Street as well as a second through lane in the northbound and southbound directions on Bay Street.



c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-27**

a. **Significant Impact:** The EIR found that the project would result in an impact with the closure of Watts Street in year 2000. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-27.1:** Kaiser and AC Transit shall enter into an agreement to construct a new entrance to the AC Transit maintenance yard on 47th Street approximately 125 feet west of San Pablo Avenue. The existing driveway will serve exiting buses; **OR**

**Mitigation Cir-27.2:** Kaiser shall widen the existing driveway on 45th Street to allow for both ingress and egress at this location, and modify the existing curbline to provide a 45-foot radius at the northwest corner of the San Pablo Avenue/45th Street intersection.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as a condition of approval. The City further finds that either of these mitigation measures is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-26**

a. **Significant Impact:** The EIR found that Future Expansion of the project would result in an impact to traffic circulation with the elimination of the Doyle-Haven Extension, due to the shift in traffic patterns which would result in significant impacts at several intersections. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:





**Mitigation Cir-26.1:** Kaiser shall construct a two lane Haven Street Extension from 47th Street to Powell Street, with three lanes provided only as needed at the junctions with major cross streets such as Powell Street and 47th Street to serve as a major project access to the north.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-35**

- a. **Significant Impact:** The EIR found that the project would result in a significant cumulative transit impact in the year 2000. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-35.1:** The project, as well as other local projects, shall contribute to a mass transit fund (the Amtrak Amortization Fee) for use in developing local and regional transit capacity.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-37**

- a. **Significant Impact:** The EIR found that the project would result in a significant cumulative transit impact in the year 2010. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-37.1:** The project, as well as other local projects, shall contribute to a mass transit fund for use in developing local and regional transit capacity.



c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-40**

a. **Significant Impact:** The EIR found that the project would result in impacts to the intersection of Park Avenue/Emery Street due to the location of the garage access points. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-40.1:** The proposed access driveway along Park Avenue shall be limited to access for inbound traffic only, while the access driveway along 45th Street shall be limited to access for outbound traffic only.

**Mitigation Cir-40.2:** Kaiser shall pay for the installation of a traffic signal at the intersection of Park Avenue/Emery Street.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-41**

a. **Significant Impact:** The EIR found that the project would result in impacts to the roadway pavement along Park Avenue and 45th Street. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-41.1:** The structural section, if needed, on Park Avenue, from San Pablo Avenue to Halleck Street, and along the project frontage on 45th Street, shall be overlaid and improved by Kaiser.





c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-42**

a. **Significant Impact:** The EIR found that the project would result in a significant site access impact at the garage on Hollis Street. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-42.1:** Kaiser shall restrict the access driveway along Hollis Street at the garage to outbound movements only. Inbound traffic will access this garage via an access driveway located on the east side of the garage. Access will be via a driveway connecting to Haven Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-43**

a. **Significant Impact:** The EIR found that the absence of off-street truck loading facilities would result in significant site access impacts. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-43.1:** Kaiser shall provide off-street truck loading facilities.



c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-44**

a. **Significant Impact:** The EIR found that the project would result in a significant site access impact in the year 2010. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-44.1:** Kaiser shall restrict the Hollis Street access to exiting vehicles only and provide an entrance access on the east side of the garage. Access will be provided by a driveway connecting to 53rd Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-45**

a. **Significant Impact:** The EIR found that Phase I of the project would result in significant pedestrian impacts at the periphery of the site due to potential conflicts with automobiles or trucks. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-45.1:** Kaiser shall provide audio and visual warning devices at the junction of all sidewalks with automobile or truck access to garages or loading areas along the periphery of the Phase I site.

**Mitigation Cir-45.2:** Kaiser shall meet all ADA requirements for all new pedestrian facilities constructed for the project.



c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-46**

a. **Significant Impact:** The EIR found that significant pedestrian impacts would occur at the crossing of 45th Street between the Phase I site and the Future Expansion site. Significant pedestrian impacts would occur at the San Pablo Avenue crossings at 47th Street and at the 47th Street crossing on the west side of San Pablo Avenue. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-46.1:** Kaiser shall provide pavement markings, signing, and other related traffic control devices to indicate the location of at-grade crossings for pedestrians along 45th Street.

**Mitigation Cir-46.2:** Kaiser shall provide pavement markings and signing to clearly indicate access locations for handicapped persons.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as a conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-47**

a. **Significant Impact:** The EIR found that increased project generated traffic associated with buildout of the project and other cumulative development would cause significant pedestrian impacts at the crossings of San Pablo Avenue at 47th Street and the crossing of 47th Street on the west side of San Pablo Avenue. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:





**Mitigation Cir-47.1:** Kaiser shall install pedestrian signal heads for pedestrians crossing 47th Street, and advance pedestrian warning signs on San Pablo Avenue. Due to the close proximity of the Future Expansion site to the nearby school and swim center, funding for this mitigation measure shall be the responsibility of Kaiser with buildout of the project.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-48**

- a. **Significant Impact:** The EIR found that Phase I of the project would result in significant bicycle impacts in the year 2000. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-48.1:** Kaiser shall provide a continuous north-south Class I bike path along the Haven Street alignment through the project site, between Parking Avenue and 45th Street.

**Mitigation Cir-48.2:** Kaiser shall provide a Class II bike lane along Park Avenue, between San Pablo Avenue and Hollis Street.

- c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as a conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-49**

- a. **Significant Impact:** The EIR found that Phase I of the project would result in significant cumulative bicycle impacts in the year 2000. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure



identified in the EIR and incorporated into the Project:

**Mitigation Cir-49.1:** Kaiser shall provide the Class I bike paths and Class II bike lanes in the vicinity of the Phase I site, as proposed in the General Plan (see Figure 14). In particular, Class I bike paths shall be provided along Halleck Street, between Sherwin Street and 53rd Street. Class II bike lanes shall also be installed along Park Avenue, between Hollis Street and Halleck Street, along 40th Street, between Adeline Street and Bay-Shellmound Street, and along Holden Street, between 40th Street and Park Avenue.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-50**

- a. **Significant Impact:** The EIR found that Future Expansion of the project would result in significant bicycle impacts in the year 2010. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-50.1:** Kaiser shall provide a continuous north-south Class I bike path along the Doyle-Haven Street Extension, between 45th Street and 53rd Street.

**Mitigation Cir-50.2:** Kaiser shall provide a Class II bike lane along 47th Street, between San Pablo Avenue and Doyle Street.

- c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-51**

- a. **Significant Impact:** The EIR found that Future Expansion of the project would result in significant cumulative bicycle impacts in the year 2010. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.





**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-51.1:** Kaiser shall provide the Class I bike paths and Class II bike lanes in the vicinity of the Phase I site, as proposed in the General Plan (see Figure 14). In particular, Class I bike paths shall be provided along the Doyle-Haven Street Extension, from 53rd Street to Stanford Avenue. Class II bike lanes shall also be installed along 47th Street, between Adeline Street and San Pablo Avenue, and along the Horton-Landregan Street Extension, between 40th Street and Stanford Avenue.

**c. Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Cir-52**

**a. Significant Impact:** The EIR found that Phase I of the project would result in a significant street impact at Hollis Street and San Pablo Avenue during construction. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-52.1:** Through travel lanes on Hollis Street or San Pablo Avenue shall not be closed for construction purposes. The access points for construction staging areas shall be located on Park Avenue or 45th Street, so as not to impact through traffic on either Hollis Street or San Pablo Avenue.

**Mitigation Cir-52.2:** The project applicant shall be required to repair (overlay or repair to structural section) streets damaged by truck traffic traveling to and from the work site, as determined by the City of Emeryville Department of Public Works.

**c. Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds



that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact Cir-53**

a. **Significant Impact:** The EIR found that the project would result in a significant minor street impact at Park Avenue and 45th Street. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Cir-53.1:** Through travel lanes on 45th Street shall not be closed for construction purposes.

**Mitigation Cir-53.2:** The project applicant shall be required to repair (overlay or repair to structural section) streets damaged by truck traffic traveling to and from the work site, as determined by the City of Emeryville Department of Public Works.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact Cir-54**

a. **Significant Impact:** The EIR found that Phase I of the project could result in a significant neighborhood impact due to the routing of truck traffic through residential areas during construction. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-54.1:** Construction vehicles shall not be routed along residential streets in the project vicinity.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further



finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-55**

a. **Significant Impact:** The EIR found that Phase I of the project would result in a significant construction parking impact with the provision of on-site parking for construction employees. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-55.1:** Parking for construction workers shall be provided on the Phase I site to avoid impacts to existing on-street parking.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Cir-56**

a. **Significant Impact:** The EIR found that Phase I of the project would result in significant pedestrian impacts during construction due to the closure of pedestrian facilities. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-56.1:** Pedestrian facilities shall be maintained along the project frontage on San Pablo Avenue, Hollis Street, Park Avenue, and 45th Street.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.





### **Impact Cir-58**

a. **Significant Impact:** The EIR found that Future Expansion of the project would result in significant construction-related impacts to major and minor streets in the project vicinity, as well as impacts to pedestrian facilities and neighborhood intrusion. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Cir-58:** Implementation of the Phase I construction mitigation measures discussed above will reduce Future Expansion construction impacts to a less than significant level.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact AQ-1**

a. **Significant Impact:** The EIR found that the effects of construction activities would be increased dustfall and locally elevated levels of PM-10 downwind of construction activity for a total of 36 months for Phase I and 24 months for Future Expansion. Construction dust has the potential for creating a significant short-term air quality impact. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation AQ-1.1:** Construction standards shall be adopted requiring all contractors to reduce dust generation.

**Mitigation AQ-1.2:** Kaiser shall suspend earthmoving or other dust-producing activities during periods of high winds.

**Mitigation AQ-1.3:** Kaiser shall provide equipment and manpower for watering of all exposed or disturbed soil surfaces at least twice daily,



including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, shall be utilized.

**Mitigation AQ-1.4:** Kaiser shall water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

**Mitigation AQ-1.5:** Kaiser shall sweep construction area and adjacent streets of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic.

**Mitigation AQ-1.6:** Kaiser shall limit the speed of all construction vehicles to 15 miles per hour while on site.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact No-1**

a. **Significant Impact:** The EIR found that Project-related traffic would generate increases of three decibels or greater at the medical office buildings on 45th Street. These increases would cause interior noise levels to exceed the 45 decibel interior noise threshold at the proposed medical office buildings on 45th Street, which would be considered a significant impact for both Phase I and the Future Expansion phase. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation No-1.1:** The design of the medical office buildings on 45th Street shall incorporate noise attenuation measures to reduce interior noise levels.

**Mitigation No-1.2:** The design of the hospital and medical office buildings shall incorporate other features to reduce the intensities with which the loud, intermittent noises from truck and bus passbys are heard in the interiors.

**Mitigation No-1.3:** The intakes of the ventilation system for the medical office buildings shall be designed to guard against the





intrusion of traffic noise, especially along 45th Street adjacent to the AC Transit bus facility.

**Mitigation No-1.4:** The parking structures shall be designed to reduce noise exposures inside the parking garages.

**Mitigation No-1.5:** Prior to project approval (or the issuance of construction permits), the applicant shall provide an acoustical assessment to confirm that interior noise levels at the 45th Street medical office buildings will be within acceptable levels.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact No-2**

a. **Significant Impact:** The EIR found that for Phase I, the outdoor activity areas on the hospital grounds would be exposed to noise levels in excess of the U.S. EPA's recommended noise threshold of 55 decibels for such uses which would be considered a potentially significant noise impact. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation No-2.1:** Prior to the issuance of construction permits, when building materials have been selected for the medical office buildings, and the design of the structures is confirmed, noise levels will be monitored at the open space area on the Phase I site.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact No-3**

a. **Significant Impact:** The EIR found that as with Phase I, the outdoor activity areas on the hospital grounds would be exposed to noise levels in excess of the U.S. EPA's recommended noise threshold of 55 decibels in the Future Expansion phase which would be considered a significant noise



impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation No-3:** The mitigation measures implemented in Phase I would also be implemented on the Phase I site, in the Future Expansion phase, to mitigate noise levels at outdoor activity areas on the hospital site.

**c. Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

**Impact Geo-1**

**a. Significant Impact:** The EIR found that the proposed project would be exposed to geologic hazards associated with a minor potential for differential settlement. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

**b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Geo-1.1:** The building foundations shall be designed to distribute the maximum anticipated loads in a manner that adequately addresses differential settlement.

**Mitigation Geo-1.2:** Exploratory borings and laboratory testing shall be conducted prior to foundation design. The foundation designs for the proposed buildings would address the characteristics of the existing soil and geotechnical conditions of the project site.

**c. Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.



## **Impact Geo-2**

a. **Significant Impact:** The EIR found that shallow groundwater conditions may affect the building design options for basements, elevator shafts, and other subsurface structures, which would result in a potentially significant impact. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Geo-2.1:** Subsurface drainage and other appropriate waterproofing systems shall be utilized to control the effects of shallow groundwater on subsurface construction, if necessary.

**Mitigation Geo-2.2 :** Dewatering of the foundation excavation areas shall be required during subsurface construction-related activities, if necessary.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

## **Impact Geo-3**

a. **Significant Impact:** The EIR found that geologic conditions on the project site related to potential liquefaction during a maximum credible earthquake could significantly impact the proposed medical center. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Geo-3.1:** Prior to issuance of building permits, a site specific geotechnical and foundation investigation shall be prepared. The specific recommendations will be incorporated into the project design.

**Mitigation Geo-3.2:** Exploratory borings shall be conducted to define the depth and extent of sand and silt layers that may have the potential for liquefaction. If liquefaction potential is confirmed, mitigation





measures will include those measures specified on pages 219 and 220 of the Draft EIR.

**Mitigation Geo-3.3:** Special structural design measures, including base isolation and extensive cross bracing of load-bearing walls shall be incorporated into the hospital design to ensure that the hospital remains functional under the most severe ground shaking effects that are anticipated.

**Mitigation Geo-3.4:** The project design shall adhere to applicable building and fire code standards for building design, construction, materials, and non-structural features, which will mitigate potential impacts.

**Mitigation Geo-3.5:** The report and building design submittal and review prescribed in the Hospital Seismic Safety Act will ensure that the hospital is designed to withstand anticipated seismic loads, and remain functional during and after an earthquake.

**Mitigation Geo-3.6:** Plan checking, permit issuance, and construction inspections conducted by State agencies, (Office of Statewide Health Planning and Development and California Department of Conservation, Division of Mines and Geology), will ensure that the proposed medical center is constructed in accordance with applicable codes.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact Hydro-3**

a. **Significant Impact:** The EIR found that future expansion of the medical center would result in potential grading or other physical impacts to the existing culvert under the Future Expansion site. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:



**Mitigation Hydro-3.1:** Field observations shall be conducted as part of the preparation of a grading and drainage plan to verify the location of the existing culvert under the Future Expansion site.

**Mitigation Hydro-3.2:** If necessary, the medical center shall be designed to avoid impacts to the existing culvert that crosses under the Future Expansion site.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Hydro-4**

a. **Significant Impact:** The EIR found that Phase I and Future Expansion of the proposed medical center would result in potentially significant short-term and long-term water quality impacts. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Hydro-4.1:** Phase I and Future Expansion of the medical center shall be required to conform to the Nonpoint Source Control Program.

**Mitigation Hydro-4.2:** To reduce water quality impacts during construction, Phase I and the Future Expansion phase for the proposed project shall include an erosion control plan as a part of the required Storm Water Pollution Prevention Plan (SWPPP), to be updated each year as construction changes.

**Mitigation Hydro-4.3:** To address long-term water quality impacts, the project applicant shall implement permanent (post-construction) controls.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.





## **Impact Soil-1**

a. **Significant Impact:** The EIR found that proposed construction of Phase I of the project would result in a beneficial effect by remediating existing on-site contamination. Implementation of the following mitigation measures will ensure that the project does not result in a significant impact related to remediation, and does result in a beneficial impact.

### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Soil-1.1:** Soil and groundwater remediation will be conducted in accordance with federal, state, regional and local regulatory agency requirements.

**Mitigation Soil-1.2:** Closure plans will be prepared prior to the removal of any underground storage tanks. In addition, permits will be obtained from the Fire Marshall for the removal of the tanks, in accordance with the City of Emeryville regulations.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will ensure the beneficial impact described above.

## **Impact Soil-2**

a. **Significant Impact:** Proposed construction of the Future Expansion phase of the project will result in a beneficial effect by remediating existing on-site contamination. The remediation of soil and groundwater contamination will be conducted in accordance with federal, state, and local regulatory agency requirements. Implementation of the following mitigation measure will ensure that the project does not result in a significant impact related to remediation, and does result in a beneficial impact.

### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Soil-2:** As in Phase I, the Future Expansion phase will also require conformance to federal, state, regional, and local regulations. Therefore, mitigation measures Soil-1.1 and Soil-1.2 will also be implemented in the Future Expansion phase.



c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will ensure the beneficial impact described above

#### **Impact Haz-1**

a. **Significant Impact:** The EIR found that the proposed Kaiser Permanente Medical Center would result in a potentially significant impact in the event of a hazardous materials incident associated with the use, storage, and disposal of hazardous materials. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Haz-1.1:** Kaiser will develop and implement a Hazardous Materials Business Plan which is required for all businesses that handle and store hazardous materials. The measures contained in this Plan are described on page 239 of the EIR.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Util-1**

a. **Significant Impact:** The EIR found that Phase I and Future Expansion of the proposed medical center would result in potentially significant impacts to storm drainage facilities. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Util-1.1:** Prior to construction, the project engineers will submit calculations of projected runoff flows to ensure that the project will not exceed sub-basin standards.



**Mitigation Util-1.2:** Streets and parking lots shall be graded to prevent ponding of water during and after construction. Street and curbs shall be designed to route surface runoff to existing storm drain inlets or to properly engineered new storm drains.

**Mitigation Util-1.3:** The existing storm drain system to Temescal Creek shall be retrofitted or replaced to assure a problem-free drainage system. Storm lines in Park Avenue, Hollis Street and on-site will be improved.

- c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

## **Impact Util-2**

- a. **Significant Impact:** The EIR found that Phase I and Future Expansion of the proposed medical center would result in significant impacts to sanitary sewer facilities. The impacts can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Util-2.1:** All sanitary sewer lines that are installed by the project will provide adequate capacity to convey wastewater generated by the project.

**Mitigation Util-2.2:** Lines and all laterals will be replaced or reconstructed on Park Avenue from San Pablo to Halleck Street.

**Mitigation Util-2.3:** Lines and laterals on 45th Street from San Pablo Avenue to Doyle Street will be replaced or reconstructed.

**Mitigation Util-2.4:** Lines and laterals on Doyle Street from 45th Street to 47th Street will be replaced or reconstructed.

**Mitigation Util-2.5:** Lines and laterals near the spur track to Temescal Creek will be replaced or reconstructed.

- c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds





that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact Util-3**

a. **Significant Impact:** The EIR found that Phase I and Future Expansion of the proposed project will result in significant impacts to the provision of water services. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation Util-3.1:** Each phase of the proposed project shall incorporate water conservation measures into the design of the proposed medical center buildings. The project shall incorporate the use of reclaimed wastewater, to the extent feasible, for landscaping irrigation and other appropriate uses.

**Mitigation Util-3.2:** Project site water lines will be extended to the existing lines in the project vicinity, as necessary, in a manner that ensures that an adequate water distribution system is available to serve the project.

**Mitigation Util-3.3:** Water line extensions shall be designed in accordance with the City of Emeryville and East Bay Municipal Utility District (EBMUD) design standards.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact Util-4**

a. **Significant Impact:** The EIR found that the project will result in a significant impact on solid waste facilities. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:



**Mitigation Util-4.1:** Kaiser shall submit a waste reduction/recycling plan designed to achieve a minimum of 50 percent diversion/recycling of solid waste.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Util-5**

- a. **Impact:** The EIR found that the proposed project will not result in a significant impact on electric, natural gas, or telephone utilities. However, to ensure that the project does not result in a significant impact on electricity and natural gas services, the following mitigation will be implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Util-5.1:** The project will pay a Utility User Tax to offset the cost of providing electricity and natural gas services to the project.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will further ensure that this impact, which has been determined to be less-than significant, will be further reduced or avoided.

#### **Impact Util-8**

- a. **Significant Impact:** The EIR found that the proposed medical center will result in a potentially significant impact on school facility capacity. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Util-8.1:** Kaiser, as part of the development agreement, will contribute \$20,000 per year to the Emeryville Higher Education Fund or





to another school fund that directly benefits the city's public school system.

- c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

### **Impact CR-1**

- a. **Significant Impact:** The EIR found that Phase I of the project will result in potentially significant impacts to subsurface prehistoric and historic resources that may be present within the Phase I site boundaries. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation CR-1.1:** Additional archival research shall be conducted for the project area that focuses on the structures previously present in the project area in the 1850's, the residences and businesses in the area from 1880-1910, and the Chinese gambling facilities, restaurants, etc., in the 1920's. This archival information shall be used in the formulation of an archaeological testing program.

**Mitigation CR-1.2:** Kaiser shall formulate and implement an auguring program for the project site.

**Mitigation CR-1.3:** Kaiser shall formulate and implement a backhoe or other appropriate testing program in the southwest and northeastern quadrants of the Phase I site.

**Mitigation CR-1.4:** Kaiser shall conduct backhoe or other subsurface testing in the area of the former Emery home site and grounds to locate and identify potentially significant foundations, basement contents, trash and privy deposits, and other cultural materials.

**Mitigation CR-1.5:** Kaiser shall formulate and implement a general archaeological monitoring plan.

**Mitigation CR-1.6:** Kaiser shall maintain coordination between the archaeologist and other consultants, such as those involved in toxic



testing and remediation, to avoid unnecessary destruction of data through unmonitored excavation for toxic remediation.

**Mitigation CR-1.7:** The spoils from the area excavated in 1992 at the corner of Hollis Street and Park Avenue shall be examined by an archaeologist for evidence of Gold Rush occupation or other cultural resources.

**Mitigation CR-1.8:** Under no circumstances shall the land owner, project sponsor, contractor, or other interested parties give permission to or tolerate artifact collection or excavation by anyone, other than a qualified archaeologist.

**Mitigation CR-1.9:** A security system shall be installed, if demolition or excavation activities reveal evidence of significant archaeological resources, including trash deposits.

**Mitigation CR-1.10:** Results of any testing procedures, monitoring, and other mitigation measures, shall be analyzed and presented in a report of findings by a qualified archaeologist.

## **Impact CR-2**

a. **Significant Impact:** The EIR found that Future Expansion of the project would result in potentially significant impacts to subsurface prehistoric and historic archaeological resources that may be present within the Future Expansion site boundaries. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

### **b. Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation CR-2:** The mitigation measures outlined above for Phase I shall be implemented in the Future Expansion phase in order to mitigate potentially significant impacts to a less than significant level.

c. **Finding:** The City finds that the above stated mitigation measures are incorporated into the project as conditions of approval. The City further finds that these mitigation measures are appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.



#### **Impact CR-4**

a. **Significant Impact:** The EIR found that Phase I of the project will result in a significant visual impact to the eligible Emeryville Industrial Historic District. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation CR-4.1:** The design of the massing and materials of the "liner" buildings on the Phase I site shall be compatible with the design and materials that characterize the surrounding historic structures.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will reduce to less-than significant level or avoid the impact described above.

#### **Impact Vis-1**

a. **Impact:** The EIR found that Phase I of the proposed project would alter the visual character of the project site. Building heights would range from 50 to 125 feet which would result in minor obstructions to views for surrounding land uses. However, these impacts would not be considered significant since views of scenic features would not be impacted, and because a substantial demonstrable negative aesthetic effect would not occur.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Vis-1.1:** Implement the Kaiser Permanente Medical Center Urban Design Guidelines as adopted by the Emeryville Planning Commission on August 26, 1993. The requirements of the Urban Design Guidelines have been incorporated into the project design.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will ensure that this impact, which has already been determined to be less-than-significant, will be further reduced.





## **Impact Vis-2**

a. **Impact:** Future Expansion of the proposed medical center would alter the visual character of the project site. Building heights would range from 50 to 52 feet on the Future Expansion site which would result in minor obstructions to views for surrounding land uses. However, these impacts would not be considered significant since views of scenic features would not be impacted, and because the proposed urban intensities of development would not result in a substantial demonstrable negative aesthetic effect.

b. **Facts in Support of the Finding**

This impact will be mitigated with the following required mitigation measure identified in the EIR and incorporated into the Project:

**Mitigation Vis-2.1:** Implement the Kaiser Permanente Medical Center Urban Design Guidelines as adopted by the Emeryville Planning Commission on August 26, 1993. The requirements of the Urban Design Guidelines have been incorporated into the project design.

c. **Finding:** The City finds that the above stated mitigation measure is incorporated into the project as a condition of approval. The City further finds that this mitigation measure is appropriate and reasonable and will ensure that this impact, which has already been determined to be less-than-significant, will be further reduced.

**B. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL BUT FOR WHICH THE MAGNITUDE OF THE IMPACT CAN BE REDUCED:**

**Finding -** The City finds that, where feasible, the changes or alterations have been required in, or incorporated into, the Project which reduce the significant environmental impacts listed below as identified in the EIR. However, specific economic, social or other considerations make infeasible mitigation measures to reduce the following impacts to a less-than-significant level. In other instances, changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency responsible for making the finding. These findings are supported by evidence in the record of the proceedings before the City including the draft and final EIR prepared for this project. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of impact. Nonetheless, where feasible mitigation measures exist to reduce the magnitude of the impact, even if the reduction is not to a less than significant level, the City has agreed to employ such mitigation measures to the extent feasible.



### **Impact: Cir- San Pablo Avenue/Ashby Avenue**

- a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of San Pablo Avenue/Ashby Avenue. This intersection would operate at LOS F because of the heavy north-south traffic volumes, as well as the lack of an exclusive westbound left-turn lane on Ashby Avenue.
- b. **Mitigation Measure:** Based on the City of Berkeley's Comment 91.S to the Draft EIR, Berkeley staff suggest possible mitigation measures for this intersection. Ashby Avenue, immediately east of San Pablo Avenue, could be widened to provide an additional westbound left turn lane on Ashby Avenue. Although the provision of a westbound left-turn lane, as well as modifications to the signal timing, would not improve the intersection operations to a less than significant level of LOS D or better, these mitigations would, however, reduce project-related impacts (i.e., the service level would improve to better than year 2010 baseline conditions). A left-turn lane on Ashby Avenue would require a reduced sidewalk width and removal of existing landscaping in front of Walgreens and the Shell gas station. In order to further improve the service level at this intersection, an additional through lane is needed in both directions on San Pablo Avenue. The additional through lanes would require re-striping San Pablo Avenue from four to six lanes and prohibiting peak period parking. In addition, prohibiting parking along San Pablo Avenue may affect businesses along this roadway as these businesses rely on this on-street parking for their patrons.
- c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Imposition of the above measures is infeasible because of the impact that would occur to adjacent commercial businesses and because changes or alterations are within the responsibility of the City of Berkeley.
- d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact Cir- San Pablo Avenue/Alcatraz Avenue**

- a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of San Pablo





Avenue/Alcatraz Avenue. This intersection would operate at LOS F due to the traffic conflicts between the heavy northbound through movement and the southbound left turn movement from San Pablo Avenue to eastbound Alcatraz Avenue, as well as the heavy right turn traffic from westbound Alcatraz Avenue to northbound San Pablo Avenue.

**b. Mitigation Measure:** In order to improve the service levels at this intersection in year 2010, the provision of additional through lanes in both directions of San Pablo Avenue and an exclusive westbound right turn lane on Alcatraz Avenue would be required. The additional through lanes on San Pablo Avenue would require re-striping San Pablo Avenue from four to six lanes and prohibiting peak period parking. Prohibiting parking along San Pablo Avenue may affect businesses along this roadway as these businesses rely on this on-street parking for their patrons. An exclusive westbound right turn lane on Alcatraz Avenue would require re-striping Alcatraz Avenue and prohibiting peak parking.

**c. Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Imposition of the above measures is infeasible because of the impact that would occur to adjacent commercial businesses and because changes or alterations are within the responsibility of the City of Oakland.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- San Pablo Avenue/Stanford Avenue**

**a. Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of San Pablo Avenue/Stanford Avenue would require the provision of additional through lanes on San Pablo Avenue. This would require either the prohibition of parking or the widening of San Pablo Avenue. Neither of these options would be feasible due to the impacts that would occur to the adjacent commercial businesses. This intersection is located within the City of Oakland, which does not plan to provide additional through lanes either on San Pablo Avenue or Stanford Avenue.

**b. Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.



c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Imposition of the above measures is infeasible because of the impact that would occur to adjacent commercial businesses and because changes or alterations are within the responsibility of the City of Oakland.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- 7th Street/Ashby Avenue**

a. **Significant Impact:** The EIR found that the addition of project traffic would result in a significant impact at the intersection of 7th Street/Ashby Avenue. This intersection would operate at LOS F due to the split-phasing in the north-south approaches. Southbound traffic backs up into the adjacent downstream intersections.

b. **Mitigation Measure:** Based on the City of Berkeley's Comment 91.5 to the Draft EIR, Berkeley staff suggest possible mitigation measures for this intersection. The northbound approach on 7th Street, between Folger Avenue and Ashby Avenue, could be widened to provide an additional through lane. The southbound approach on 7th Street, between Anthony Street and Ashby Avenue, could also be widened to provide an additional through lane. These mitigation measures would require the acquisition of additional right-of-way along 7th Street. The above mitigations, in conjunction with signal phasing modifications, would reduce project impacts to a less than significant level under year 2010 conditions.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Imposition of the above measures is infeasible because of the impact that would occur to adjacent commercial businesses and because changes or alterations are within the responsibility of the City of Berkeley. This mitigation measure is within the City of Berkeley's jurisdiction and requires Berkeley's approval. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Berkeley in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without acquisition of right-of-way and the approval of the City of Berkeley, and is considered an unavoidable impact of the project.





d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Christie Avenue/Powell Street**

a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of Christie Avenue/Powell Street. This intersection would operate at LOS F due to the heavy traffic destined to the I-80 ramps (i.e., the southbound right-turns from Christie Avenue to westbound Powell Street and the westbound through traffic on Powell Street).

b. **Mitigation Measure:** In order to improve the service level at this intersection from LOS F to LOS E, an additional through lane on the westbound approach of Powell Street, as well as a second exclusive left turn lane in the northbound direction on Christie Avenue would be required. In addition, this mitigation would also require the extension of the southbound right turn lane on Christie Avenue by approximately 250 feet and modification of the existing traffic signal. These mitigation measures would require the acquisition of additional right-of-way along the west side of Christie Avenue and along the north side of Powell Street.

These mitigation measures would reduce project impacts (i.e., the service level would improve to 2010 baseline conditions), but not to a less than significant level. The improvements at this intersection are identified in the City's Capital Improvement Program (CIP). The traffic mitigation fees paid by this project may be used to fund these improvements.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The addition of through lanes on Powell Street would not be feasible due to the constraint presented by the four lane Powell Street overpass immediately east of Christie Avenue. The provision of at grade-separation at this intersection is deemed infeasible because it would be very costly and require the acquisition of a significant amount of right-of-way, which would impact adjacent commercial businesses. The restriction of movements at the intersection (i.e., east-west left turns, north-south through and right turns) would provide adequate capacity, but is not deemed feasible due to the





impacts related to the accessibility of parcels and the movement of goods to commercial uses in the immediate vicinity.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Hollis Street/Powell Street**

a. **Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of Hollis Street/Powell Street would require the restriction of movements at the intersection and the provision of additional lanes on Hollis Street.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The restriction of left turn movements in the eastbound and westbound directions on Powell Street would not be feasible due to the impacts related to the accessibility of parcels, the movement of goods to commercial and industrial uses in the immediate vicinity, and the impacts of added traffic on parallel facilities such as Doyle Street. The provision of additional through lanes on Hollis Street would not be a feasible short-term mitigation because it would require the acquisition of right-of-way and the demolition of buildings in the immediate vicinity of the intersection.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- San Pablo Avenue/40th Street**

a. **Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of San Pablo Avenue/40th Street would require



widening of San Pablo Avenue to provide additional through lanes and turn lanes beyond those mitigations previously described for year 2000 baseline plus project scenario.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The provision of additional through and turning lanes on San Pablo Avenue would not be a feasible mitigation because it would require the acquisition of right-of-way and the demolition of commercial buildings in the immediate vicinity of the intersection.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Adeline Street/Market Street**

a. **Significant Impact:** The EIR found this intersection would operate at LOS E due to the heavy northbound and southbound left-turns from Adeline Street. In order to improve the service level at this intersection from LOS E to LOS D for 2010 conditions, the provision of an additional left-turn lane in the southbound direction on Adeline Street would be required.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. This mitigation would not be feasible due to the impacts that would occur to the adjacent commercial businesses. This intersection is located within the City of Oakland. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without the approval of the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville and enter into a Memorandum of Understanding. Since Kaiser's fair share





contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution toward funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Telegraph Avenue/40th Street**

a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of Telegraph Avenue/40th Street. This intersection would operate at LOS E due to the heavy eastbound left-turns onto northbound Telegraph Avenue. As described in the Draft EIR, the provision of a second left-turn lane in the eastbound direction on 40th Street would reduce project impacts (i.e., the service level would improve to 2010 baseline conditions). However, in order to improve the intersection operation to service level of D or better, the provision of additional through lanes in both directions of Telegraph Avenue would be required.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. This mitigation would not be feasible due to the impacts that would occur to the adjacent commercial businesses. This intersection is located outside the jurisdiction of Emeryville and within the City of Oakland's jurisdiction. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without the approval of the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of



Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Telegraph Avenue/W. MacArthur Boulevard**

a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of Telegraph Avenue/W. MacArthur Boulevard. This intersection would operate at LOS E due to the heavy left turns from southbound Telegraph Avenue to eastbound W. MacArthur Boulevard. In order to improve the service level at this intersection from LOS E to LOS D in year 2010, the provision of a second southbound left-turn lane on Telegraph Avenue would be required.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. This mitigation would not be feasible due to the impacts that would occur to the adjacent commercial businesses. This intersection is located outside the jurisdiction of Emeryville and within the City of Oakland's jurisdiction. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. The significant unavoidable impact at this intersection cannot be mitigated without the approval of the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.





d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- I-80 Westbound Hook-Ramp/West Frontage Road**

a. **Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of West Frontage Road/I-80 westbound ramps would require the widening of the frontage road to provide two additional through lanes.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The provision of additional through lanes would not be feasible due to the impacts that it would create to the existing shoreline between Powell Street and Ashby Avenue.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Hollis Street/65th Street**

a. **Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of Hollis Street/65th Street would require the widening of Hollis Street to provide two additional through lanes.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The provision of additional through lanes on Hollis Street would





not be a feasible mitigation because it would require the acquisition of right-of-way and the potential demolition of commercial and industrial buildings in the immediate vicinity of the intersection.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Hollis Street/40th Street**

a. **Significant Impact:** The EIR found that the mitigation of future conditions at the intersection of Hollis Street/40th Street would require the widening of Hollis Street to provide two additional through lanes.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The provision of additional through lanes on Hollis Street would not be a feasible mitigation because it would require the acquisition of right-of-way and the potential demolition of commercial and industrial buildings in the immediate vicinity of the intersection.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Adeline Street/Martin Luther King Jr. Way**

a. **Significant Impact:** The EIR found that the addition of project-related traffic would result in a significant impact at the intersection of Adeline Street/Martin Luther King Jr. Way. This intersection would operate at LOS E due to the two-phase signal in the north-south direction which causes inefficient operations at this intersection, as well as heavy right-turn traffic from southbound Adeline Street. In order to improve the operation of this



intersection to service level of D or better for year 2010 conditions, the provision of an signal phasing modifications would be required to allow for permitted left turns from northbound Martin Luther King Jr. Way to Adeline Street.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. This mitigation would not be feasible due to the impacts that would occur to the adjacent commercial businesses. This intersection is also located within the City of Berkeley, which has established a policy against widening any major arterials within their city limits. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Berkeley in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval of the City of Berkeley, and is considered an unavoidable impact of the project. If the City of Berkeley proceeds with signal modifications to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Berkeley, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Market Street/40th Street**

a. **Significant Impact:** The EIR found that the addition of project traffic would result in a significant impact at the intersection of Market Street/40th Street. This intersection would operate at LOS F due to the heavy northbound-southbound through traffic utilizing the shared left/through lane in both directions of Market Street. As described in the Draft EIR for 2010 conditions, the provision of exclusive left-turn lanes in the northbound and southbound directions on Market Street would be required to improve the service level at this intersection from LOS F to LOS D.





b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The above measures would require either the prohibition of parking or the widening of Market Street. Neither of these options would be feasible due to the impacts that would occur to the adjacent residential uses. This intersection is located outside the jurisdiction of Emeryville and within the City of Oakland's jurisdiction. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without the approval of the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir- Market Street/W. MacArthur Blvd.**

a. **Significant Impact:** The EIR found that the addition of project traffic would result in a significant impact at the intersection of Market Street/W. MacArthur Boulevard. This intersection would operate at LOS F due to the heavy northbound-southbound through traffic utilizing the shared left/through lane in both directions of Market Street. The service level at this intersection would improve from LOS F to LOS D in year 2010 with the provision of exclusive left-turn lanes in the northbound and southbound directions of Market Street.

b. **Mitigation Measure:** No feasible mitigation measure exists to reduce the impact to a less-than-significant level.



c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. This intersection is located outside the jurisdiction of Emeryville. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval from the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact Cir-8**

a. **Significant Impact:** The EIR found that the addition of project traffic would result in a significant impact at the intersection of San Pablo Avenue/Stanford Avenue. This intersection would operate at LOS F due to the heavy north-south traffic on San Pablo Avenue. The two-phase signal in the north-south direction causes inefficient operations at this intersection

b. **Mitigation Measure:** In order to improve the service level at this intersection in year 2010, the provision of additional through lanes in both directions on San Pablo Avenue, as well as an additional eastbound right-turn lane on Stanford Avenue, would be required. This mitigation would require re-striping San Pablo Avenue from four to six lanes and prohibiting peak period parking. It would also require restriping and peak period parking restrictions on the south side of Stanford Avenue. Although this mitigation measure would not improve the intersection operations to a less than significant level of service D or better, the mitigation would, however, reduce project-related impacts (i.e., the service level would improve to year 2010 baseline conditions).





c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The intersection is within the City of Oakland and would require Oakland's approval.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact Cir-9**

a. **Significant Impact:** The EIR found that the intersection of San Pablo Avenue/35th Street would operate at an unacceptable Level of Service "E" in the p.m. peak period which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.

b. **Mitigation Measure:** Add a second left turn lane in the southbound direction.

c. **Facts in support of the Finding:** Although the above mitigation measure is economically, technologically or socially feasible, this intersection is located outside the jurisdiction of Emeryville and within the City of Oakland. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval from the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this





adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir-10**

- a. **Significant Impact:** The EIR found that the intersection of Cypress Street Northbound/32nd Street would operate at an unacceptable Level of Service "E" in the a.m. and p.m. peak periods which would be considered a significant impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.
- b. **Mitigation Measures:** Install a four-way stop sign control at this intersection. Install a stop sign on the northbound Cypress Street approach.
- c. **Facts in support of the Finding:** Although the above mitigation measure is economically, technologically or socially feasible, this intersection is located outside the jurisdiction of Emeryville and within the City of Oakland. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval from the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.
- d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir-16**

- a. **Significant Impact:** The EIR found that the intersection of Hollis Street/65th Street would operate at an unacceptable Level of Service in the



p.m. peak period, which would be considered a significant impact. This impact can be reduced by the following mitigation measure, but not to a less than significant level.

**b. Mitigation Measure:** Add an exclusive left turn lane on the eastbound and westbound 65th Street approaches to Hollis Street.

**c. Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact Cir-17**

**a. Significant Impact:** The EIR found that the intersection of Powell Street/Hollis Street would operate at an unacceptable Level of Service in the a.m. and p.m. peak periods, which would be considered a significant impact. The addition of project-related traffic would result in a significant impact at the intersection of Hollis Street/Powell Street. This intersection would operate at LOS F due to the heavy through volumes on the northbound approach of Hollis Street.

**b. Mitigation Measure:** Add an exclusive left turn lane in the southbound direction on Hollis Street and a shared through/left turn lane in the northbound direction on Hollis Street.

**c. Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. While these mitigation measures would not improve the intersection operations to a less than significant level of LOS D or better, they would, however, mitigate project impacts (i.e., the service level would improve to 2010 baseline conditions). Implementation of these mitigations would involve the widening of Hollis Street which would require the acquisition of additional right-of-way along Hollis Street, north and south of





Powell Street. The improvements at this intersection are identified in the City's Capital Improvement Program (CIP). The traffic mitigation fees paid by this project may be used to fund these improvements.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir-24**

**a. Significant Impact:** The EIR found that the intersection of Cypress Street Northbound/32nd Street would operate at an unacceptable Level of Service in the a.m. and p.m. peak periods, which would be considered a significant impact.

**b. Mitigation Measure: :** Install a traffic signal at the intersection of Cypress Street northbound/ 32nd Street.

**c. Facts in support of the Finding:** Although the above mitigation is economically, technologically or socially feasible, this intersection is located outside the jurisdiction of Emeryville and within the City of Oakland. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval from the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations



identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact Cir-25**

- a. **Significant Impact:** The EIR found that the intersection of Adeline Street/35th Street would operate at an unacceptable Level of Service in the p.m. peak period, which would be considered a significant cumulative impact. This impact can be mitigated to a less than significant level if the following mitigation measure is implemented.
- b. **Mitigation Measure:** Install a traffic signal at the intersection of Adeline Street/35th Street.
- c. **Facts in support of the Finding:** Although the above mitigation is economically, technologically or socially feasible, this intersection is located outside the jurisdiction of Emeryville and within the City of Oakland. Because the City of Emeryville lacks jurisdiction over this intersection, Emeryville would need to enter into a Memorandum of Understanding with the City of Oakland in order to implement the mitigation. Therefore, the significant impact at this intersection cannot be mitigated without approval from the City of Oakland, and is considered an unavoidable impact of the project. If the City of Oakland proceeds with improvements to this intersection, it shall notify the City of Emeryville, and enter into a Memorandum of Understanding. Since Kaiser's fair share contribution toward funding these intersection improvements cannot be derived or implemented without input and approval from the City of Oakland, this agreement must be established prior to Emeryville assessing Kaiser for its fair share contribution towards funding the intersection improvements.
- d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact AQ-5**

- a. **Significant Impact:** The EIR found that the proposed project would have a significant regional effect on ozone precursor emissions in both Phase I and Future Expansion.



**b. Mitigation Measures:**

**AQ-5.1:** Kaiser shall implement a Transportation Systems Management Program as part of the proposed project.

**AQ-5.2:** The project shall implement roadway and intersection improvements identified in the traffic analysis for both Phase I and Future Expansion that would relieve congestion at intersections impacted by project traffic.

**c. Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Although implementation of the above improvements could be expected to result in a marginal decrease in carbon monoxide concentration near the affected facility, such improvements provide little reduction in regional emissions.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

**Impact AQ-7**

**a. Significant Impact:** The EIR found that Phase I and Future Expansion of the project would result in a cumulative air quality impact due to increases in carbon monoxide levels of up to 0.5 parts per million at selected locations and due to the project's contribution to continued exceedance of regional pollutants such as hydrocarbons and oxides of nitrogen.

**b. Mitigation Measures:** Implementation of mitigation measures AQ-5.1 and AQ-5.2 in Phase I and Future Expansion would contribute to the attainment of emission standards as projected for the Bay Area Air Basin.

**c. Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. Although implementation of the above improvements could be expected to result in a marginal decrease in carbon monoxide





concentration near the affected facility, such improvements provide little reduction in regional emissions.

**d. Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact No-4**

**a. Significant Impact:** The EIR found that Phase I and Future Expansion of the proposed project would result in a significant short-term construction noise impact. The project would also contribute to cumulative noise impacts generated during the simultaneous construction of more than one project within the vicinity of the proposed project site. This impact can be mitigated to a less than significant level if the following mitigation measures are implemented.

#### **b. Mitigation Measures:**

This impact will be reduced with the following required mitigation measures identified in the EIR and incorporated into the Project:

**Mitigation No-4.1:** A Construction Mitigation Plan shall be developed prior to construction approval.

**Mitigation No-4.2:** For construction on the Future Expansion site north of 45th Street, the Construction Mitigation Plan shall provide for the construction of temporary wooden noise barrier walls to shield residents at the Emery Bay Village from the noise emissions of stationary construction equipment wherever the use of barriers would be feasible.

**Mitigation No-4.3:** The plan shall also include a limitation on construction hours (i.e., 7:00 a.m. to 7:00 p.m.) and a similar limitation on the hours of truck deliveries.

**Mitigation No-4.4:** Under the Construction Mitigation Plan, contractors shall be required to use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices.



**Mitigation No-4.5:** As part of the Construction Mitigation Plan, the contractor shall schedule construction activities in shifts to avoid high noise levels caused by simultaneously operating several pieces of noise-generating equipment, to the extent feasible.

c. **Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact CR-3**

a. **Significant Impact:** The EIR found that Phase I of the project would result in a significant unavoidable impact to the Del Monte Plant #35 building which is considered a historic resource individually eligible for National Register status.

b. **Mitigation Measures:**

CR-3.1: Kaiser shall preserve some or all of the Del Monte Plant #35 front elevation on Park Avenue, if feasible

CR-3.2: Prior to demolition of all or part of Del Monte Plant #35, the building shall be documented according to Historic American Building Survey (HABS) standards.

c. **Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this





adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

#### **Impact CR-5**

a. **Significant Impact:** The EIR found that Future Expansion of the project would result in a significant unavoidable impacts to two historic resources on the Future Expansion site.

b. **Mitigation Measures:**

**CR-5.1:** Future Expansion at an alternative location would avoid the demolition of the two buildings at the corner of Hollis and 45th Streets. This mitigation measure, however, cannot be implemented as the project is proposed. This mitigation measure will be reconsidered at the time of the Final Development Plan for the Future Expansion phase.

**CR-5.2:** The front facades of these buildings have an urban design value as part of this area of 1920s industrial buildings. By incorporating the facades of these buildings in the project, with the new buildings set back from the street, the project's significant effects will be reduced.

**CR-5.3:** Prior to demolition of all or part of the Hollis and 45th Street buildings, these buildings shall be documented according to Historic American Building Survey standards.

c. **Facts in support of the Finding:** This impact will be mitigated with the above required mitigation measures identified in the EIR and incorporated into the Project, but not to a less-than-significant level. There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact. The architectural historian has determined, that given the nature of the project, reusing these buildings at their present locations or relocating them to a new site is infeasible. The infeasibility of incorporating the structures into the medical center is based upon the need for extensive renovation and the associated costs of such efforts, as well as the difficulty in converting these buildings to health care related uses. Additionally, relocating the structures has been determined infeasible because of the difficulty of physically moving these buildings.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this



adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

### **Impact - Loss of On-Street Parking**

a. **Significant Impact:** The EIR found that several of the proposed mitigation measures would require mandatory peak period parking restrictions or the installation of "No Parking Zones" at on-street parking locations. The impacts associated with these parking restrictions would result in significant unavoidable impacts, as described on page 126 of the Draft EIR.

b. **Mitigation Measure:** No feasible mitigation measure exists for the above impact because the project does not propose to provide replacement parking.

c. **Facts in support of the Finding:** There are no economically, technologically or socially feasible mitigation measures to fully mitigate this impact.

d. **Findings:** The City finds that there are no additional feasible mitigation measures or alternatives that the City could adopt at this time which would reduce this impact to a less than significant level. This impact, therefore, remains significant and unmitigatable. To the extent that this adverse impact will not be eliminated or lessened to a less than significant level, the City finds that specific economic, social or other considerations identified in the Statement of Overriding Considerations and these findings, support approval of the Project despite unavoidable impacts.

## **C. DESCRIPTION OF ALTERNATIVES AND SUMMARY OF IMPACTS:**

Alternatives studied and the impacts related to each alternative are summarized below.

### **A. AC TRANSIT-**

The AC Transit Site Alternative would consist of substituting the AC Transit maintenance site for the proposed expansion site (area north of 45th Street of the proposed project). A conceptual site plan of the AC Transit Site Alternative is shown in Figure 29 in Section III of the Draft EIR. This alternative would include 260,000 square feet of medical office building for 175 physicians and providers and a parking structure with 1,110 parking spaces, as well as an open space area and public plaza. The Berkeley Farms facility would continue to occupy the strip of property along the San Pablo Avenue frontage of the alternative AC Transit expansion site.



The AC Transit Alternative is evaluated in greater detail in this EIR because considerable site planning has been prepared for this site by Kaiser. This site would be environmentally preferred over the Future Expansion site by both the applicant and the City. However, the site is currently not available to Kaiser, so it was not evaluated as the preferred Expansion site.

The potential environmental impacts of developing the AC Transit Alternative are generally similar to the project as shown on Table S-1. The AC Transit Alternative would differ from the impacts of the project as described below:

- a. **Displaced Businesses:** While this alternative would displace the AC Transit facility, it would avoid displacement of businesses on the proposed expansion site north of 45th Street.
- b. **Traffic Impacts:** Traffic would circulate differently because access to the AC Transit site would be from 45th and 47th Streets rather than Hollis Street.
- c. **Land Use Impacts:** Land uses north of 47th Street could potentially be impacted by the project.
- d. **Construction Noise:** Beneficial impacts could result to surrounding properties from the elimination of noise and diesel exhaust from the AC Transit maintenance operation. However, there would be temporary construction noise associated with developing this site.
- e. **Secondary Impacts:** Potential relocation of the AC Transit maintenance facility to a new location may result in environmental impacts. However, these impacts are not analyzed in this EIR, because a new AC Transit site has not been selected, and such analysis would be too speculative.

## **B. OAKLAND MACARTHUR BROADWAY SITE**

The Oakland MacArthur Broadway Site Alternative is located in the City of Oakland and would consist of constructing a new medical center on the block bounded by Interstate 580, Broadway, West MacArthur Boulevard and Piedmont Avenue (the MacArthur Broadway Center), and redeveloping six acres of the existing Kaiser property across West MacArthur Boulevard for parking and medical office uses. This alternative would require the demolition of the existing hospital building on the north side of MacArthur Boulevard and construction of a new medical office building and parking structure. The Oakland MacArthur Broadway Site Alternative would occupy a total of 13 acres, including six acres of the existing hospital site north of





MacArthur Boulevard and the seven acre block on the south side of MacArthur Boulevard across from the existing hospital site. Several buildings at the existing Kaiser Permanente Medical Center would remain.

The potential environmental impacts of developing this site are similar to those of the proposed project, as shown on Table S-1 of the Draft EIR. Land use, air quality, geology and seismic hazards, flooding, drainage, and water quality impacts, and potential impacts due to soil and groundwater contamination would occur for this alternative, as with the proposed project. This alternative would also result in the storage, use and disposal of hazardous substances and in similar construction impacts. This alternative would differ from the impacts of the project as follows:

- a. **Displaced Businesses:** This alternative would displace a similar number of businesses when compared to the proposed project and 30 apartments; however, this alternative does not include the implementation of a housing program.
- b. **Traffic Impacts:** Greater traffic impacts would occur in Oakland than in Emeryville.
- c. **Noise Impacts:** This alternative would likely be exposed to greater noise levels due to the freeway traffic generated on the nearby Interstate 580.
- d. **Utilities and Urban Services Impacts:** This alternative would result in greater impacts to the City of Oakland's provision of utilities and services.
- e. **Historical and Cultural:** This alternative would not be expected to result in significant impacts to subsurface or surface cultural resources.
- f. **Visual Impacts:** Construction of the medical center at this alternative location would result in significant visual impacts to land uses surrounding the MacArthur Broadway site.

## **C BAY FRONT SITE**

The Bayfront Site Alternative consists of developing the proposed project on an approximately 35 acre site located north of the I-580/I-80 interchange, between the railroad tracks to the east and the future Shellmound Avenue to the west. The southern sector of the Bayfront site is located in the corporate limits of the City of Oakland, whereas the majority of the site lies in the City of Emeryville. This alternative would consist of the same level of development as the proposed project including a hospital, medical office buildings, central plant, retail and office space, and the parking structures.



The potential environmental impacts of developing this site are similar to those of the proposed project, as shown on Table S-1 of the Draft EIR. Land use, traffic, air quality, geology and seismic hazards, flooding, drainage, and water quality impacts, utilities and services impacts, and potential impacts due to soil and groundwater contamination would occur for this alternative location, as with the proposed project. This alternative would also result in the storage, use and disposal of hazardous substances and in similar construction impacts. This alternative would differ from the impacts of the project as follows:

- a. **Displacement:** This alternative would result in fewer commercial and residential displacements.
- b. **Traffic Impacts:** Greater traffic impacts would occur for this alternative due to the site access constraints. Impacts to intersection and roadway locations to the west of the proposed project site would be greater.
- c. **Noise Impacts:** This alternative would likely be exposed to greater noise levels due to the freeway traffic generated on the nearby Interstate 80.
- d. **Cultural Resources:** This alternative would not result in significant impacts to subsurface or surface cultural resources.
- e. **Visual Impacts:** Construction of the medical center at this alternative location would result in significant visual impacts to land uses surrounding the Bayfront site. This location would also be visible from Interstate 80.

#### **D. NO BUILD ALTERNATIVE**

The No Build Alternative consists of maintaining the existing land uses on the site in their current condition. Of the property located within the Phase I site, approximately 17 acres of the 20 acre site would remain vacant (the Del Monte plant and the former fire station), or would become vacant in the next several years. The uses located on the remaining three acres are assumed to remain intact. These uses include a Standard Brands Paint retail outlet, three small restaurants, a Masonic Lodge and 21 residential units. The Future Expansion site land uses, which include warehouse, small light industrial, retail and service uses, and 11 live/work units are also assumed to remain intact.

The No Build Alternative would avoid the adverse impacts associated with the proposed project, but would not achieve the project objectives, and would also eliminate the beneficial health care services proposed by the project. In





addition, this alternative would not further opportunities for groundwater and soil remediation on the project site.

#### **E. EXISTING GENERAL PLAN ALTERNATIVE (Environmentally Superior Alternative)**

The Existing General Plan Alternative, consists of development in accordance with current General Plan designations for the site, which is Medium Density Residential, Commercial and Mixed Use. A development scenario was assumed for this alternative which would include the development of 400 housing units on the Phase I site, plus 20,000 square feet of retail and 25,000 square feet of office uses. The Future Expansion site would be assumed to contain the existing land uses, plus an additional 100,000 square feet of retail uses.

The potential environmental impacts of the Existing General Plan Alternative when compared to those of the proposed project are shown on Table S-1. Land use, air quality, geology and seismic hazards, flooding, drainage, and water quality impacts, utilities and services impacts, cultural resources impacts, and potential impacts due to soil and groundwater contamination would occur for this alternative as with the proposed project, only to a lesser degree. This alternative would differ from the impacts of the project as follows:

- a. **Land Use:** This alternative would not require a General Plan amendment and therefore, would not result in a reduction in future housing opportunities.
- b. **Traffic:** This alternative would result in fewer traffic impacts.
- c. **Noise Impacts:** The residential development in this alternative would likely be exposed to greater noise impacts due to the on-going AC Transit maintenance operations.
- d. **Visual:** This alternative would be visually compatible with the surrounding land uses.

This alternative would not achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser members in the Bay Area. This alternative would reduce environmental impacts to a greater degree than the other alternatives, with the exception of the No Build Alternative, and therefore would be the environmentally superior alternative.



## F. SMALLER PROJECT ALTERNATIVE

The Smaller Project Alternative would consist of constructing only Phase I of the proposed Kaiser Permanente Medical Center. Expansion of the medical center facilities would not occur on the Future Expansion site. Existing land uses on the Future Expansion site would not be removed or altered.

Development of this alternative would include the hospital, medical office buildings, central plant, retail and office uses, and parking structures shown for Phase I.

The impacts associated with this alternative would be the same as those identified in Section II for Phase I of the proposed project. This alternative, however, would avoid the adverse impacts associated with development of the Future Expansion site and the increased development on the Phase I site that would occur with the proposed project in the Future Expansion phase.

This alternative would partially achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser members in the Bay Area. This alternative would reduce the environmental impacts associated with the proposed project, but would nonetheless result in the same impacts occurring with Phase I of the project. This alternative would not fulfill some of the project objectives and would not provide a number of the benefits associated with the project.

### PROJECT OBJECTIVES

As stated by the applicant, the objectives of the proposed project include:

To construct a new hospital to provide adequate space for provision of diagnostic, therapeutic and nursing services to current and prospective Kaiser members. These services would include primary care for members in the service area and specialized services (including pediatric intensive care, high risk obstetrics and specialty surgery) to members in the greater Bay Area. In addition, this project would provide appropriate space for changes in medical practices and technology.

To construct medical office building space adjacent to the hospital for coordinated outpatient services for Kaiser members (within the service area).

To provide space for health education and the promotion of health for both Kaiser members and the greater Emeryville community.



To construct parking structures/surface parking areas and utilities to provide adequate capacity and support for the hospital and medical office buildings.

To accommodate demand created by health care reform.

To provide appropriate flexibility for future expansion (i.e., hospital, medical office buildings, parking and support) to accommodate future membership growth and changes in medical practice and technology.

To provide a wide variety of high quality employment opportunities in the City of Emeryville. These include jobs ranging from long-term employment opportunities for highly-trained workers in the health care industry to temporary employment opportunities for construction workers.

To provide significant economic benefits to the City through fees, taxes and other provisions of the development agreement and the project approvals, as described in Section I, E. of this EIR.

To stimulate economic development in the City and the neighborhood, as outline in the City's cost-revenue analysis contained in Appendix I of this EIR.

Through the Kaiser Housing Program (described in Section II, B), to facilitate housing opportunities in the City of Emeryville. The project would provide financing for housing opportunities in the City.

To improve public safety on the project site and the surrounding area by stimulating investment and providing a secure, well-lighted medical center environment.

To create secure public open space and park areas on the project site.

To provide an attractive, well-designed medical center that enhances the aesthetic environment of the neighborhood and the City.

To expedite remediation of existing contamination on the project site.

To implement the community design guidelines adopted by the Emeryville Planning Commission (see Appendix G). The design guidelines include non-Kaiser local serving retail commercial uses at the periphery of the site in "liner buildings."

To further the policies of redevelopment law by eliminating existing blight on the project site.





To enhance the community identity of Emeryville by providing the only hospital facility in the City of Emeryville.

## **COMPARISON OF ALTERNATIVES RELATIVE TO PROJECT OBJECTIVES**

The EIR disclosed the following findings with respect to the ability of the Alternatives to meet the project objectives.

### **AC TRANSIT ALTERNATIVE**

The AC Transit Expansion Site Alternative would achieve all of the project objectives described in Section I of the EIR. When compared to the proposed project, the AC Transit Expansion Site Alternative would result in the development of a land use that is more compatible with the surrounding residences, commercial/retail businesses and school facilities than the existing AC Transit facilities. In addition, expansion of the proposed medical center on the AC Transit site would be more compatible with the proposed Phase I facilities, than if the AC Transit operations remained. This compatibility is measured in terms of noise impacts, visual compatibility, and the creation of a cohesive pattern of development. The AC Transit Site Alternative would result in similar transportation and circulation impacts, air quality, and traffic-generated noise impacts when compared to the proposed project (Phase I and Future Expansion). However, noise impacts on the proposed medical center and the adjacent residences due to the AC Transit operations would be eliminated. The AC Transit Site Alternative would also result in similar geologic and seismic impacts; flooding, drainage and water quality impacts; hazardous materials storage, use and disposal impacts; demands for utilities and services; visual impacts; and construction impacts. Soil and groundwater contamination impacts would be similar for Phase I of the project; however, under this alternative, remediation of the AC Transit would continue, but cleanup activities would not be initiated on the Future Expansion site. Although impacts to the Del Monte historic resource would occur under this alternative, impacts to the two contributing structures on the Future Expansion site would be avoided.

When compared to the impacts of the other alternative sites considered in the EIR, the AC Transit Expansion Site Alternative achieves more of the project objectives than do these other alternatives. This alternative would also result in fewer relocation impacts than the Oakland MacArthur Broadway Site Alternative, but more than the Bayfront Site Alternative which would impact intersections in Oakland. Traffic impacts would occur at locations to the west of the project and AC Transit Site Alternative for the Bayfront Site Alternative. Additional noise impacts may affect the proposed medical center at the Oakland and Bayfront sites, when compared to the AC



Transit site, due to their proximity to freeways. Similar regional air quality impacts would occur for each of these locational alternatives.

Similar geologic and seismic impacts, drainage and water quality impacts, soil and groundwater contamination impacts, hazardous materials storage, use, and disposal impacts, construction impacts, and demand for services and utilities would occur for each of these locational alternatives. The Oakland MacArthur Broadway Site Alternative is anticipated to result in fewer impacts to cultural resources than either the AC Transit Site Alternative or the Bayfront Site Alternative. Similar visual impacts would occur for each of these alternatives; however, they would affect different locations.

As with the proposed project, the AC Transit Site Alternative would result in greater impacts than the No Build, Existing General Plan, and Smaller Project Alternatives, as described for the proposed project below. The Existing General Plan Alternative would be considered the environmentally superior alternative as described in Section III, F.

#### **MacARTHUR BROADWAY ALTERNATIVE**

This alternative would not achieve the project objective of providing health care education and health care services to the Emeryville community. However, this alternative would meet the project objective of improving health care services to Kaiser Foundation Hospital members throughout the Bay Area. This alternative would not meet the project objectives of improving the blighted conditions on the proposed project site, nor would it achieve the other related objectives described in Section I of this EIR. In addition, Kaiser does not favor this alternative for reasons including (1) the site does not involve sufficient land area and would thus require developing the project at a density that creates operational obstacles for the optimal provision of health care services, (2) the configuration of the project, which would require bridging of MacArthur Boulevard, would be awkward and inconvenient for Kaiser employees and users, and (3) the phasing requirements, which would require the hospital and medical office buildings to be operational while the new hospital and medical office buildings are under construction, would have significant cost and timing ramifications. However, this alternative would result in fewer environmental impacts than the proposed project.

#### **BAY FRONT SITE ALTERNATIVE**

This alternative would achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser Foundation Hospital members in the Bay Area and it would generally meet the project objectives related to improving conditions in Emeryville. This alternative would not, however, meet the project objectives of improving the





blighted conditions on the proposed project site. This alternative would result in a similar environmental impacts when compared to the proposed project, such as significant transportation and circulation impacts; regional air quality impacts; drainage and water quality impacts; impacts due to the storage, use, and disposal of hazardous materials; utilities and services impacts, archaeological impacts, and construction impacts.

### **EXISTING GENERAL PLAN ALTERNATIVE**

This alternative would not achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser members in the Bay Area and other project objectives. It is important to note that there have been repeated failures in attempting to develop residential uses on the Phase I site in accordance with the existing General Plan designation. However, this alternative would reduce some environmental impacts to a greater degree than the other alternatives, with the exception of the No Build Alternative, and therefore would be the environmentally superior alternative.

### **SMALLER PROJECT ALTERNATIVE**

This alternative would partially achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser members in the Bay Area. However, this alternative would reduce some environmental impacts associated with the proposed project, but would nonetheless result in the same impacts occurring with Phase I of the project. This alternative would not fulfill some of the project objectives and would not provide a number of the benefits associated with the project. For example, this alternative would not fulfill the project objective of providing appropriate flexibility for future expansion. Kaiser has identified this objective as particularly significant for Kaiser in choosing to locate its project in Emeryville, and sites that did not provide sufficient area for future expansion were determined inappropriate for development of the medical center. In addition, as set forth in the Cost Revenue Analysis (contained in Appendix I of Volume II), this alternative would provide substantially lower revenues associated with the payment of fees to the city than would the proposed project.

### **REASONS FOR REJECTION OF ALTERNATIVES AND FINDINGS RELATED TO FEASIBILITY**

The City of Emeryville has considered the relative impacts, advantages and disadvantages of all of the alternatives. The views of the public and interested organizations were heard and considered at the public hearing on the Draft EIR held on June 2, 1994. Written comments submitted in response to the Notice of Preparation and the Draft EIR were also considered and



responded to. The challenge of the City is to balance competing objectives. On one hand, the City seeks to minimize adverse effects on the environment and on its citizens and neighboring communities, on the other hand, the City must provide for the health, safety, and welfare of its citizens, and assist the Emeryville Redevelopment Agency in effectuating the objectives of the Shellmound Park Redevelopment Plan. The City has investigated the project alternatives and finds that the specific economic, social and other considerations make the alternatives infeasible for the reasons set forth below and for the reasons set forth in the Statement of Overriding Considerations.

1. **AC Transit alternative:** The City rejects this alternative based on the fact that the site is not available to the project applicant. Because of the site's unavailability, this alternative is determined to be infeasible in meeting all of the basic project objectives.
2. **MacArthur Broadway alternative:** The City considered and rejected this alternative as infeasible based on the following findings and considerations:
  - a. This alternative would not achieve the project objective of providing health care education and health care services to the Emeryville community.
  - b. This alternative would not meet the project objectives of improving blighted conditions on the proposed site.
3. **Bay Front Site alternative:** The City considered and rejected this alternative as infeasible based on the following findings and considerations:
  - a. This alternative would not meet the project objective of improving the blighted conditions on the proposed project site.
4. **Existing General Plan alternative:** The City considered and rejected this alternative as infeasible based on the following findings and considerations:
  - a. This alternative would not achieve the project objective of providing health care education and health care services to the Emeryville community and Kaiser members in the Bay Area and other project objectives.



5. **Smaller Project Alternative:** The City considered and rejected this alternative as infeasible based on the following findings and considerations:

a. This alternative would not fulfill the project objective of providing appropriate flexibility for future expansion. Kaiser has identified this objective as particularly significant for Kaiser choosing to locate this project within the City of Emeryville, and sites that did not provide sufficient area for future expansion were determined inappropriate for the development of the medical center. In addition, this alternative would provide substantially lower revenues associated with the payment of fees to the City than would the proposed project.

For the above reasons as cited above and set forth in the Statement of Overriding Considerations, the City considered and determined infeasible the alternatives to the project.





## EXHIBIT B

### STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code section 21081(g) and CEQA Guideline sections 15091 et seq., the Planning Commission of the City of Emeryville makes the following statement of overriding considerations and findings in support thereof:

**A. Unavoidable significant adverse impacts.**

With reference to the above findings and in recognition of those facts which are included in the record, the City has determined that the Project would cause significant unavoidable impacts to traffic and circulation, air quality, historic architectural resources, on-street parking, and short-term and cumulative construction impacts, as disclosed in the Final EIR prepared for this Project. These impacts cannot be fully mitigated by changes or alterations to the basic project.

1. Traffic and circulation. The project would result in levels of service E or higher at six intersections by the year 2000. By the year 2010, buildout of the project would result in significant unavoidable impacts at 16 intersections.

2. Air quality. Project emissions of ozone-precursor pollutants would exceed the Regional Air Quality Control Board's threshold criterion of 150 pounds/day; and the project would contribute to cumulative increases in carbon monoxide and ozone-precursor emissions.

3. Historic architectural resources. The project would result in the demolition of certain brick buildings potentially eligible for inclusion in the National Register of Historical Places. Demolition of contributing or individually eligible structures would be considered an unavoidable significant impact of the proposed project.

4. On street parking. Approximately 140 on street parking spaces would be removed.

5. Short term and cumulative construction impacts. The project would result in significant unavoidable construction noise impacts.



**B. Overriding Considerations.**

The City, specifically finds and makes this Statement of Overriding Considerations that, as part of the approval provisions, the Project has eliminated or substantially lessened all significant effects on the environment where feasible, and has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns as described below.

**C. Benefits of Proposed Project.**

The Planning Commission has considered the EIR, the proposed development agreement, the public record of proceedings on the proposed project, including the fiscal report by Sedway & Associates, and other written materials presented to the City as well as oral testimony at the hearing, and does determine that implementation of the project as specifically provided in the project documents would result in the following substantial public benefits:

1. The Project will meet the objectives of the City in support to provide for the public health, safety and welfare by providing emergency medical services, health education and needed health care and related and senior-related services in the City and the greater East Bay community.
2. The Project will further the objectives of the Shellmound Redevelopment Project including the elimination of deteriorated and unsafe buildings
3. The Project will promote the development and redevelopment of property with a coordinated land use pattern and adequate public facilities consistent with the goals, policies, objectives, standards, guidelines, and requirements as set forth in the City's adopted General Plan.
4. The Project will provide for the development of public services and facilities and operational services and facilities as are necessary and required for the redevelopment of the Project Area.
5. The Project will provide the development of off-street parking and provision of safe pedestrian and bicycle circulation improvements.
6. The Project will encourage community identity by providing a coordinated integrated project.





7. The Project will improve the economic climate within the Project Area by providing a range of jobs, and encourage the development of other isolated vacant and/or underdeveloped properties within the Project Area.
8. The Project will create a more cohesive and unified community by strengthening the physical, social, and economic ties between medical, retail and other commercial, and residential land uses within and adjacent to the Project Area.
9. The Project will provide for the development of affordable housing.
10. The Project will achieve a physical environment reflecting a high level of concern for architectural and urban design principles deemed important by the community and property owners.
11. The Project will provide financial mechanisms by which the Agency can assist, complement, and coordinate public and private development, redevelopment, revitalization, and enhancement of the community.

The Planning Commission has weighed the above benefits of the proposed project against its unavoidable environmental risks and adverse environmental effects identified in the EIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are "acceptable."



## **EXHIBIT C**

### **FINDINGS RELATED TO PROJECT APPROVALS**

#### **(General Plan, Rezoning, Preliminary Development Plan and Final Development Plan, Development Agreement)**

The Planning Commission incorporates the information contained in the staff report dated November 3, 1994, and makes the following findings with respect to each of the discretionary approvals that is included in the Kaiser Permanente Medical Center.

#### **I. GENERAL PLAN**

a. The City has complied with the requirements of the Local Planning Law (Government Code Section 65300 et seq.), the current State of California General Plan guidelines, and the City's applicable ordinances and resolutions with respect to approval of the proposed General Plan Amendments.

b. The staff report dated November 3, 1994, recommends the amendment of specific portions of the City's current General Plan which are needed to support the approval of the Kaiser Permanente Medical Center Project.

c. The General Plan amendments are in the public interest.

#### **II. APPROVAL OF A REZONING TO PLANNED UNIT DEVELOPMENT/COMMERCIAL**

a. As more specifically described in the following section, the proposed rezoning complies with the General Plan as it is proposed to be amended.

b. As more specifically described in the following section, the subject property is suitable for a regional medical center with respect to access, size of the parcel, relationship to similar or related uses.

c. As more specifically described in the following section, the proposed zone change is not detrimental to the use of land in any adjacent zone.

#### **III. THE PRELIMINARY DEVELOPMENT PLAN FOR THE PHASE I SITE AND THE FUTURE EXPANSION SITE, AND THE FINAL DEVELOPMENT PLAN FOR THE HOSPITAL BUILDING OF THE PHASE I SITE.**

a. The project is consistent with and conforms to the goals, objectives and policies of the General Plan as it is proposed to be amended and helps to implement several of the general goals of the General Plan relating to the provision of public facilities, the protection of public health, the





development of a variety of uses in a compatible way, the development of visually appealing projects which are sensitive to the urban character of the City and to strengthen the tax base with uses that respect the city's natural, scenic and historic resources.

- b. The proposed medical center provides for a cohesive, integrated, well-planned development which will contribute to the general well being of the surrounding neighborhood or community. The project is designed to reduce the potential for land use incompatibility with the surrounding lower intensity land uses. Building setbacks, building heights and open space "liner" buildings and a public plaza that result in compatibility with the surrounding land uses have been incorporated into the project design to assure compatibility.
- c. The project site provides for sufficient access (i.e., automobile, pedestrian and transit) to the hospital, medical office buildings, open space and public plaza. The project site provides sufficient space for Phase I of the project and sufficient acreage nearby to respond to future demand for health care services in the region. The proposed medical facility would be complementary to other commercial uses proposed on site and to other industrial, commercial and residential uses in the neighborhood.
- d. The location, size, design and operating characteristics of the proposed medical center will be substantially compatible with and will not be materially detrimental to the neighborhood character. The PUD establishes specific levels of building intensity and building heights that would apply to the proposed project. The Final Development Plan includes a review of the building scale, design and layout in conformance with the adopted Kaiser Permanente Medical Center Urban Design Guidelines.
- e. The Kaiser Permanente Medical Center Urban Design Guidelines are consistent with the Zoning Ordinance and with the relevant San Pablo Revitalization Plan guidelines.
- f. The Preliminary Development Plan shows a commitment to the development of a high quality aesthetically pleasing project with respect to landscaping and grading. Final details of the grading and landscaping plan will be reviewed by City staff to insure that grading and landscaping is developmentally consistent with the high quality established by the Preliminary Development Plan.
- g. Although the development of the medical center would potentially result in significant unavoidable impacts with respect to traffic, air quality and historical architectural impacts, the benefits of the project





outweigh the potential negative impacts. Furthermore, these impacts do not relate to the development of the site as a PUD, but rather to the development of the site in general. The PUD is designed to minimize the environmental impacts of the project.

- h. The PUD provides for extensive open space areas available to users of the Kaiser facilities and to the general public. Phase I of the plan includes three parking structures, an extensive pedestrian and bicycle circulation system and landscaping. The Final Development Plan for each phase of development will be reviewed to insure that these elements are implemented during the construction of the project.

#### IV. DEVELOPMENT AGREEMENT

- a. The proposed Development Agreement is consistent with the General Plan as it is proposed to be amended, with the zoning of the site as it is proposed to be rezoned to PUD/Commercial, with the Preliminary Development Plan and Final Development Plan for the hospital building.

- b. The public planning process will be strengthened and the economic costs of development reduced by entering a development agreement that will allow Kaiser Permanente to develop the medical center in accordance with the policies, rules and regulations in effect at the time of approval of the project and in accordance with the conditions of approval as set forth at the time of project approval.

- c. Approval of the Development Agreement, as recommended in the staff report, is in the public interest.



0124914397

...the ... ..  
 ... ..  
 ... ..

The ... ..  
 ... ..  
 ... ..  
 ... ..  
 ... ..

# THE ... ..

The ... ..  
 ... ..  
 ... ..

The ... ..  
 ... ..  
 ... ..  
 ... ..

... ..  
 ... ..